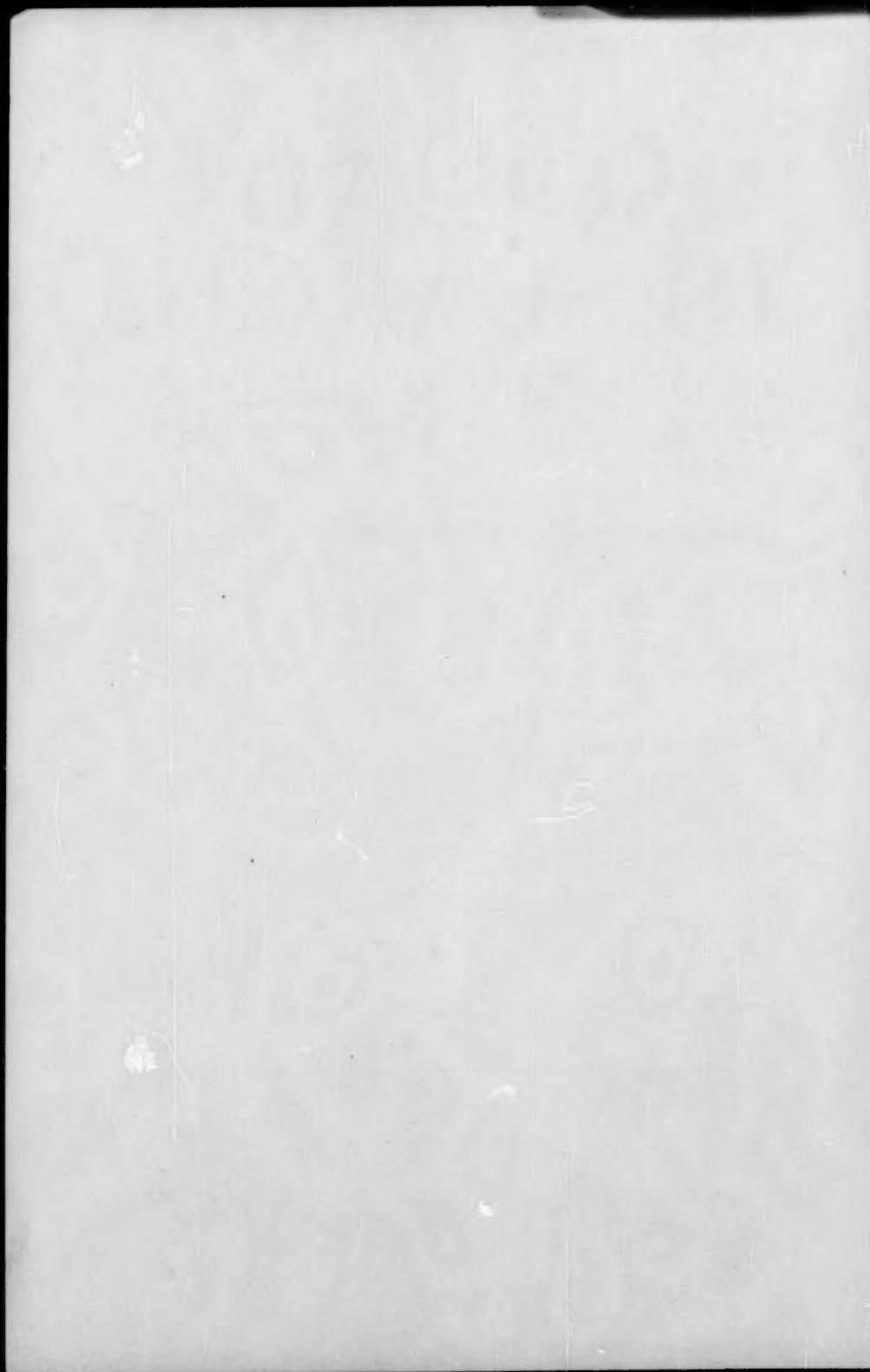


SOCIAL RESEARCH

AN INTERNATIONAL QUARTERLY OF POLITICAL AND SOCIAL SCIENCE

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THE POLITICS OF ECONOMIC RATIONALITY*

Observations on the Soviet Economy

BY ALEC NOVE

THE object of this paper is to consider the growing importance of economic rationality in the affairs of the Soviet Union, and to express a few ideas about the possible political implications of such problems. But first, what is "economic rationality"?

Some economists equate it with what they call "consumer sovereignty," a state of affairs they believe to exist in Western countries. This belief seems odd when, as in Great Britain, about 36 percent of the national income is expended by the state, but in any event there is no necessary connection between consumers' sovereignty and rationality. All that is meant here by "rationality" is the following relatively simple proposition: that the economic purposes of society, whatever these may be and whoever decides them, are achieved with maximum economic efficiency — or alternatively, that maximum results are achieved at minimum real cost. Theoretically all the aims of economic activity could be decided wholly by planners (God forbid that it should be so! But theoretically it is possible), and an economically rational arrangement would then consist in achieving these aims with the greatest possible efficiency in the use of available resources. Involved in the problem of rationality is the linked question of so arranging the economic structure of society as to make possible its measurement, that is, the objective determination of the most efficient way to proceed. It also means that economic policy must, to some major extent, conform to the requirements of rationality, rather than be based on arbitrary or non-economic criteria.

* AUTHOR'S NOTE—This article was originally presented, in the form of a paper, to a seminar at St. Antony's College, Oxford, and thanks are due to the College for permission to use the text, with a few minor changes.

It must be clear that economic rationality is by no means the highest good to which human society can aspire. Nor has its importance been always appreciated in human history. For example, efficiency and growth were not regarded as of particular importance by the thinkers of mediaeval Christendom. Their aims, and their society, were concerned with something else. Even if it had been possible to make St. Thomas Aquinas understand that a rate of interest is necessary to achieve the optimum distribution of economic resources, he would hardly have been converted to the view that interest is a good and necessary thing. Nor are considerations of efficiency likely to be very important in a serf-owning society. For instance, it would be easy to demonstrate that the existence of serf labor on the landlords' farms renders calculations of costs and productivity impossible (for reasons that have much in common, statistically, with those that now render so difficult similar calculations on collective farms). But few Russian *dvoryane* in 1820 were likely to draw practical conclusions from this or other samples of economic analysis. It will be recalled that Pushkin's *Eugene Onegin* "read Adam Smith." It is hardly a historical accident that, as Pushkin says, "his father could not understand" about commodity production and exchange, and indeed Onegin's own behavior does not suggest that his studies of Adam Smith affected him in the least. (Note the contrast with Tolstoy's Levin in *Anna Karenina*, who takes much interest in farm economics; but by then serfdom had ended.)

More recently we have had the experience of a war economy that was everywhere accompanied by the subordination of purely economic calculations to general priorities determined by the exigencies of war. No country was willing to pay the high social price of waging war by free-market methods. Everywhere there was rationing, price-fixing, direct allocation, attempts at more or less arbitrary central planning, and so on. Needless to say, this did not mean that efficiency was not desired. Of course it was desirable to achieve maximum military results for a minimum expenditure of resources. But in practice economic considerations tended to be

thrust into the background, and the war economy was conducted on lines far removed from traditional notions of rationality. Even now, in time of peace, there are numerous departures from the principles of rationality: monopolies, rings, the price policies of most nationalized enterprises, import duties, and so on. Let us not imagine that efficiency and rationality are present in pure form anywhere on the globe.

I

Stalin's Russia had much in common with a war economy, and not only because it used military "campaign" terminology. His policy when he launched his "second revolution" in 1928 was not the result of the operation of the forces of economic rationality. On the contrary, it was an essentially political matter, one of deliberately tearing asunder the existing pattern, disregarding or crushing the existing economic arrangements and the various forces they represented. Purely "rational" considerations argued for gradualism, for a Bukharinite or even menshevik approach. This, however, was a time of the primacy of politics, the coercion not only of economists but also of economic life.

It is true that theory, dogma, helped in the process. It is the traditional view of most Marxists, beginning with Marx himself, that market forces, the "law of value," will wither away under socialism. The point was well made by Ostrovityanov in a recent issue of *Kommunist* (no. 13, 1957). He pointed out that Marx, in his *Critique of the Gotha Program*, held that "in a socialist society the principle of distribution according to work done will operate without trade and money, with the aid of chits on which will be marked the number of hours worked." Plekhanov, in the same tradition, remarked that trade under socialism is as much use as "fried boots" or "a fifth wheel to a cart." Lenin's almost ludicrous underestimate of the complexities of economic administration, in *State and Revolution*, is typical of this kind of approach. There is a constant tendency to believe that the planners, in their ultimate wisdom, are able to *replace* the normal measuring rods of economic

activity by a new "socialist" form of calculation, conducted merely in terms of quantity and time. The superiority of the planner over "blind" economic forces, over the elemental pressures of the market, was somehow deemed to be part of the transition from the realm of necessity to the realm of freedom. To be sure, Lenin and Stalin at times spoke about the importance of statistics, and they preferred efficiency to inefficiency. But the whole mental atmosphere hardly predisposed them to pay much attention to economic rationality.

More important, perhaps, than any theory were the realities and logical consequences of Stalin's policies themselves. Top priority was granted to heavy industry, and everything was sacrificed to this, as non-military needs are sacrificed in a war economy. Since no one could possibly pretend that this pace and direction of industrialization reflected any measurable profitability, "economic" criteria were barely applicable, and so they were not applied. Indeed, it is arguable that no "deliberate" industrialization program — such as that being attempted today in India — can obey the traditional laws of economic rationality. The authors of such programs generally base their thinking on some kind of long-term calculation, and indeed may be right to do so, but their essential decisions are political, or based on a political interpretation of long-term economic desiderata.

Then too Stalin's regime (unlike the Indian government) paid a great deal of attention to so arranging the economy as to achieve certain ideological and political objectives, and this was often given priority over elementary efficiency considerations. The most obvious example is agriculture. Collectivization, control over peasants, repression of private-property instincts, were of great importance, as was the squeezing of produce out of the villages to feed the growing towns. As for efficiency, it was very largely ignored, a fact that was reflected in the total neglect of problems of costs of production in agriculture until well after Stalin's death.

Much more could be said about the economic policies of the

Stalin epoch, but I am confining myself here merely to emphasizing the elements in these policies that helped to produce a climate in which economic rationality did not prosper. It is true that Stalin himself — in 1941 and again in 1951–52 — drew attention to the "law of value" and its significance in Soviet society. But he appeared merely to be warning his subordinates that some attention must be paid to objective reality, that not everything was wholly under control. For instance, he "discovered" that peasants who were offered excessively low prices for cotton, in relation to bread, would probably produce less cotton. Yet he left unchanged the monstrously unfair prices at which the villages had to deliver produce to the state. This was typical: whatever may be the dictates of the "law of value," priority was nevertheless given to the politically determined task of exploiting the peasantry to the uttermost in order to maximize resources for the expansion of heavy industry.

So much, then, for Stalin's epoch. What has changed since? A whole paper could be devoted to this question alone. Little more than a bare enumeration of the relevant factors can be attempted here.

First of all, underlying the whole problem, is the frequently repeated aim of Soviet economic policy: to overtake the West in economic might at the earliest moment. This is, of course, a *political* aim. It is connected directly with power in the international sphere, with attracting the uncommitted countries by the allegedly superior efficiency of the Soviet system. It is also relevant to the internal position of the regime, in that "overtaking the West" is used as a slogan to mobilize behind the regime's policies the dynamic elements in Soviet society, and especially the technical and managerial personnel, whose support is necessary to make the system work. This must be stressed at the outset, because some critics have doubted whether efficiency as such is of importance to the Soviet government. Such critics are likely to stress instead the "realities of the power struggle."

It is not the intention of this paper to deny in the least such

realities as these. But the Soviet leaders, in their pursuit of power, are not so shortsighted as some of these critics imagine. It will be argued here that they now feel that they *need* economic rationality *because of* (not despite) their power ambitions, and in a way that did not apply to the Stalin regime to anything like the same extent. (It is not argued that they are attracted by rationality *per se*.)

A key element in the situation is the apparent effect of the death of Stalin on the system of priorities. A war economy, or a Stalin economy, can run more or less effectively *provided* the priorities are few and clear. This, in turn, means that there must be important sectors that can be neglected with impunity. In Stalin's time, for instance, agriculture and housing suffered, and in suffering provided a "cushion," which could absorb errors of planning without disorganizing the priority sectors. But since Stalin's death it has been found necessary to launch major campaigns to improve agricultural production and to build houses. A number of concessions have been made to the consumers. Hours of labor have been reduced. Workers are no longer forbidden to leave their jobs. The forced-labor population has greatly diminished. Various commitments have been undertaken to satellites and underdeveloped countries. There is urgent need to expand investments in the overloaded transport system. The development of new raw-material bases in remote areas requires heavier investments per unit of future production. All these things represent additional calls on resources. To make matters worse, a major "resource" — labor — is rendered scarcer by reason of the delayed effect of the catastrophic decline in births in the USSR during the war.

This bare recital of some of the important facts leads inevitably to the following conclusion: the economy is strained by very numerous calls on scarce resources, and the dilution of the old "Stalin" priorities greatly complicates the task of planning, indeed virtually makes it impossible to plan in the old way. One example will serve to illustrate this: at the end of 1956, major errors and strains arose, and nowhere more so than in the building industry. Materials were scarce, many construction projects could not be

completed. The traditional way out was to cut housing and deliveries to the villages. But in fact we have seen a marked acceleration of the housing program and an increase in direct and indirect investments in agriculture (for example, for cowsheds and refrigerated meat storage). This cannot but pose problems to those who have somehow to maintain the tempos of growth of heavy industry. It also leads to trouble on the political level: thus it is known that arguments about the investment program of 1957 played an important part in the December 1956 plenum of the central committee of the Party.¹

The essential point is this: the leaders find it very hard indeed to find the resources for all their various purposes, and so they are seeking ways of using them most efficiently. Therefore the inefficiencies that were tolerated in the past become intolerable. Terror is simply irrelevant in this situation. It may be true that deviationist literary productions can be prevented by the shooting of a couple of writers, but by no stretch of the imagination can the rational functioning of the economy be assisted by the execution of a batch of managers and planners.

II

What is it that is irrational in the Soviet system? On this there is now abundant evidence, because Soviet economists have been allowed, indeed encouraged, to discuss the existing weaknesses as part of the drive to correct them.

First of all, the absence of a logical price system makes it impossible for the central planners to choose wisely between alternatives. It became quite fashionable, in fact, to fix prices to make a given policy *seem* profitable. Thus machinery prices were low "to encourage mechanization," the freight rates for Moscow basin coal were artificially lowered "to encourage its use," and so on. As has been pointed out by Soviet economists,² this meant that the

¹ See, for instance, a pamphlet by Kulev, *O dalneshem sovershenstvovanii planirovaniia . . .* (Moscow 1957).

² For instance, Malyshov in *Voprosy Ekonomiki* (no. 3, 1957).

planners were often unaware of the loss caused by their own acts. Some investment decisions are now recognized to have been almost absurdly uneconomic; for example, the steelworks at Cherepovets and Rustavi, remote from sources of materials, produce at two or three times the average cost.

Then there have been serious distortions in the carrying out of plans at enterprise level. The vagaries of the price system have made it impossible to let profits serve as the guide to managerial behavior. Plan targets are set in terms of money or quantity. Whenever the commodity is not homogeneous, this encourages the managers to distort the output assortment in order to fulfill the plan. Thus they tend to use expensive materials if the plan is in rubles, heavy materials if it is in tons, and so forth. Innovation is not properly rewarded, because innovation involves risk, and there is in effect no reward for risk-taking at the level of the enterprise. The following comment is taken from *Zvezda* (no. 5, 1957): "The system of innovation is bad. Innovation involves risk, and, like all gambling, also capital. A risk means the possibility of loss, does it not? But if a manager is granted capital, let him try to risk and not win? . . . No, a manager must not take risks."

The preoccupation with plan fulfillment up and down the various economic hierarchies causes many departures from elementary commonsense, not least in the procedures of deciding what the plan should be. Repeatedly the managers try to conceal their production possibilities, to facilitate overfulfillment and the consequent bonuses. As Nikolaeva wrote in *Oktyabr* (no. 7, 1957), a wise manager aims at achieving 105 percent of plan, not 125 percent, for in the latter case he will be set an impossible target for the year following.

These problems, too, can be the subject of a long paper to themselves.³ Their existence is universally admitted in the USSR itself. The discussion as to what to do about it forms part of the argument on the role of the "law of value," prices, and the market

³ See Alec Nove, "The Problem of Success Indicators in Soviet Industry," in *Economica* (February 1958).

in the USSR. Other difficulties are also involved, and raise not dissimilar problems bearing on the price structure.

Thus the very inadequate organization of retail trade in general, and of the disposal of peasant surpluses in particular, is directly connected with insufficient incentives to efficiency in the trade network. Nor is there the necessary link between the desires of consumers and the pattern of production. This is due to the peculiar effect of turnover tax. For most commodities this tax is a so-called "difference," that is, it consists of the difference between the supply-and-demand retail price and the cost of production (with allowance for a profit margin and trade margin). Thus if a given type of cloth is in heavy demand, it is possible that the retail price will be high in relation to costs, but there would be no greater profit in making it, since turnover tax would absorb the difference in price.

Curiously, this state of affairs was well described before the war, by Oskar Lange, as follows: "One may well imagine a system in which production and the allocation of resources are guided by a preference scale fixed by the central planning board, while the price system is used to distribute the consumers' goods produced. In such a system, there is freedom of choice in consumption, but consumers have no influence whatever on the decisions of the managers of production and on the productive resources. There would be two sets of prices of consumers' goods. One will be the market price at which the goods are sold to consumers; the other, the accounting prices derived from the preference scale fixed by the central planning board. The latter set of prices will be those on the basis of which the managers of production would make their decisions. However, it does not seem very probable that such a system would be tolerated by the citizens of a socialist community."⁴ All except the last sentence applies in every particular to the USSR.

Why should this bother the authorities? For one good reason. Numerous concessions in recent years suggest that they are seeking

⁴ Oskar Lange, *On the Economic Theory of Socialism* (Minneapolis 1938) p. 96.

to satisfy to some extent the urgent demands of the citizens. Their motives are immaterial. What matters is this: granted that this is so, it is obviously in their interest to do so with the minimum diversion of resources to consumption. Or, to put the same thing in another way, it pays them to maximize the satisfaction that can be provided by whatever is available to the consumer. It is therefore conspicuously wasteful to use cloth and timber to make dresses and furniture in unpopular styles. This, too, leads to a reconsideration of the role of prices, profits, "value," in the economy.

The recent reorganization of industrial planning and administration does not help to overcome the inadequacies of the present price system. On the contrary, these inadequacies become more glaring. While it is true that the increasing size and complexity of Soviet industry demand greater devolution of decision-making powers to the men on the spot, the lack of economic criteria for decision deprives these men of a guide to action. The minister in Moscow may have had his views distorted by narrow departmentalism, but at least he was able to look at things on a national scale. The chairman of the *sovnarkhoz* at Omsk cannot see beyond the confines of the Omsk province. Whenever he has choices to make he cannot, with the best will in the world, take the national interest properly into account. The necessary link is — once again — a price system that provides a calculus of rationality, an objective basis of decision. Therefore, as Gatovski and other Soviet economists have pointed out (*Kommunist*, no. 9, 1957), the reorganization makes it all the more important to devise criteria for action in the new regions. Exactly the same kind of problem has arisen in agriculture. Here too there have been decisions to permit the farms a wider range of choice. They are urged to act so as to "maximize output per hectare." Unfortunately, with farm prices in their present confused state, it is quite impossible to compare different assortments of products, or to decide (for example) whether it is worth buying fodder rather than growing it on the farm. This is obviously quite unsatisfactory.

III

Thus on all counts the USSR needs a big dose of economic rationality. This is far from being mere theory-spinning by an incurable bourgeois; it is well understood by numerous Soviet experts. It is enough to read the specialized press, and also economic articles in such party organs as *Kommunist*, to be convinced that they know it themselves.

But while there has been much talk, there has been relatively little action. This also is hardly surprising. For what kind of action does the situation demand? Surely the cure involves: first, a price system responsive to the supply-and-demand situation; second, the use of this price system as a guide to action; third, much greater freedom to managers of enterprises to respond to price-and-profit stimuli; fourth, and above all, a great restriction of the everyday role of arbitrary political decision in economic life. Economic calculation, "the law of value," material interest, should to a much greater extent be the mainsprings of action. The cost of not acting on these lines is continued inefficiency. But the political and ideological obstacles to such actions are formidable, and must now be examined.

Let us turn first to ideology, though it may not in itself be of key importance. In the first place, Marxist economic theory, especially as traditionally interpreted in Russia, remains an obstacle to progress. Even original and critical thinkers, such as Strumilin, are sidetracked into recommending a criterion for price-fixing totally unconnected with changing patterns of demand; in Strumilin's model (*Planovoe Khozaistvo*, no. 2, 1957) value and price bear a constant relationship to labor cost, to which he adds a species of tax burden corresponding to the proportionate cost of accumulation and all unproductive services (thus investment costs, military expenditure, and the like would be divided among all products in proportion to the wages paid out in producing them).

All this is derived from Marx's view of value as equal to "socially necessary labor," a view that leaves utility out of account

(except in so far as a totally useless article has no value). Yet the logic of the situation clearly requires a price system that is responsive to relative scarcities and changing use-values, for only such a system would "transmit" the shifting pattern of demand to the producing enterprises. Thus the USSR needs a new theory of value, or some drastic reinterpretation of the Marxist canon. This question is close to the theological core of Marxist-Leninist "political economy," and therefore needs rather careful handling.

A politico-ideological argument now being raised against the more radical critics concerns the so-called "regulatory" role of the law of value. This is linked with the controversies on this same subject in Yugoslavia and Poland. In these countries economists have been advocating a free market, and in the case of Yugoslavia some action has followed the words. Autonomy of enterprises in the face of a market is connected in these countries with the idea of workers' control. All this is, in orthodox Soviet eyes, dangerous "revisionism," and has been criticized as such in authoritative Soviet journals. Thus both Gatovski and Ostrovitanov (*Kommunist*, nos. 9 and 13, 1957) have warned Soviet economists against taking a necessary reform too near to the heretical ideas of such revisionists as the Polish Professor Brus. It is less clear just what kind of half-way house can be discovered between arbitrary planning and a genuine market system. But more of that anon.

A more important obstacle than any ideological formulation is the vested interest of the party machine. It is, most of all, the party which, by its decisions at all levels, replaces the operation of economic forces. At the top levels it launches campaigns that in varying degrees reflect its arbitrary judgment. While of course these party decisions are not taken in the void, they are nonetheless taken by the political arm, and the choices between alternatives are all too often made for political reasons. For example, the meat and milk "campaigns" now being waged under Khrushchev's leadership do not cease to be politically motivated if we appreciate that more meat and milk are needed.

Indeed, these campaigns are the most recent example of the primacy of political decision over economic rationality, and Khrushchev himself has admitted that he disregarded his own economists' advice. The leaders, and especially Khrushchev, like to be able to direct economic life, and do not take kindly to limitations on the power of arbitrary decision on any issue. Below the top level the party officials' interest in preserving their power over economic life is even more evident. A *raikom* secretary, for instance, spends most of his time telling the farms what they should do. If the farms were really to take their own decisions by reference to objective criteria, then most of the powers of the *raikom* secretary, and the bulk of his staff, would be lost. The secretary is as unlikely to countenance this as any other bureaucrat in any other country in a similar situation.

The party's vested interest, therefore, would seem to be inconsistent with economic rationality. In *this* context, the so-called "anti-party group" can have differed little with Khrushchev. While disagreeing with the actual policies advocated by him, it seems most improbable that Malenkov, Molotov, or Kaganovich held the view that the party's right and duty to take economic decisions should be limited by "the law of value" or principles of rationality.

It might appear from the above that rationality is bound to be defeated by the combined forces of party interest and party doctrine. Yet the situation is by no means so clear. Let us now turn to those forces that tend toward reform.

One of these has already been analyzed. It is that the rational use of resources is essential if the aims of the party's own policies are to be effectively realized. Thus the party has, in this connection, a split personality. It cannot wholeheartedly man the defense lines against those who are usually party members, act in the name of the party's aims, and do so in the profound conviction that they act in the party's best interest. Increasingly, the party's appeal to the educated public, to the "intelligentsia," stresses the alleged superiority of the Soviet way of utilizing re-

sources, the superior rate of growth of material production, and so on. There is little or no reality in the slogans about the transition to Communism. Therefore the party's ideological-political position cannot be allowed to contradict too obviously the commonsense of political economy.

Then we must consider the interests of the managers. The more extensive the role of economic forces (as against those of party and state officials), the greater is the freedom of the manager. Conversely, no major devolution of power to managers is consistent with efficiency unless prices are such as to provide objective criteria for managerial decision. The point is clear enough, and there is ample evidence that the managers understand it. They do not like the arbitrary interference of officialdom. They consider that they know their own business best, and in this they are generally right. Therefore their self-interest is allied to a strong feeling that any arbitrary interference is positively harmful to efficiency. They naturally see advantages in a much wider freedom to negotiate contracts with other managers. In this they are often joined by technicians, such as the engineer who wrote an article in *Znamya* (no. 2, 1957), pointing out the harm done to technical progress by the present system of financial controls over managerial initiative and urging a more direct connection between use-value, price, and profit. It is not suggested that there is a "managers' party" in the USSR, or that managers are a united pressure group. But it is clear enough on which side, in the present context, their interests lie.

Another group, less important politically, is already tending to provide a theoretical basis for reform: this group consists of the more go-ahead economists. This, too, is natural. As soon as discussion centers on the problem of objective criteria for economic decisions, economists are bound to have a predisposition toward advocating a rational price system and all that goes with it. The logic of their science and their professional interest point that way. Those who have not lost the faculty of independent thinking do in fact argue on these lines; anyone who reads, for

instance, Malyshev's article in *Voprosy Ekonomiki* (no. 3, 1957) can satisfy himself that this is no mere theoretical hypothesis.

At this point someone is likely to object: this is all very well, but the party leaders have always pursued maximum power, and are most unlikely to be deflected from that course by talk of economic rationality. It must again be emphasized that this objection is both real and important, and no "historicism" forecast is here intended about the triumph of rationality over the party. Such a triumph is indeed impossible without a political revolution.

The point is rather this: the party must seek somehow to *reconcile* its power functions with efficiency, and must therefore initiate discussions and reforms *in order* to make its power position more consistent with the practical aims pursued by its economic policies. It is facing a dilemma. It cannot simply oppose the tendencies toward reform. It is typical of the complexities of the situation that the party itself initiated the discussions among economists in which the formulations of men like Malyshev emerged. The most orthodox of the party's own economists, while stopping short of "revisionism," urge important changes in the present system, in the direction set out above. If one wishes to express the point in "militant" language, the fifth columnists of rationality have already penetrated into the minds of many of the general staff of the party, weakening their will to fight.

It is also worth considering whether one should, in the present context, speak of a "party" united in its interest and attitude. This problem is related to the possible role of the party and its leadership in a more rationally organized Soviet economy, and leads one straight to the argument advanced by Djilas. His view, it will be recalled, is that the party has an objective function in the period of industrializing a backward economy, but that in due course it becomes a mere parasite, a class deriving its prosperity from its control over the instruments of production. There is certainly some truth in the Djilas case, and indeed the argument of the present paper is in some respects similar to his. But Djilas, and many Western critics, seem to underestimate the necessary

economic role of a party in Soviet society. The word "necessary," it must be emphasized, has no moral connotation at all, and does *not* mean "desirable." Let me spell out this thought.

Suppose we assume that the most radical of the reformers has his way. Suppose there is a fluctuating price system based on supply and demand, with freedom of contract between enterprises, with profitability as the essential criterion of managerial decision. The central government will still retain quite vital economic functions. It will have to decide about investments, because, with all industries nationalized, the necessary transfer of resources to new and developing economic sectors will require deliberate decision at the center; so will financial policy and distribution of resources between investment and consumption. Then there are all the numerous economic questions that keep the government busy enough in so un-Soviet a country as Great Britain. Many of these decisions have an important political aspect, and cannot be taken by mere civil servants. Thus the political leaders, which in Soviet conditions means the party or some alternative to the party, will have essential functions to perform in the economic field.

During a recent "Third Programme" talk in Britain, Professor Ely Devons, in a stimulating phrase, contrasted the apparent macro-economic chaos and micro-economic order of capitalism with the macro-economic order and micro-economic chaos of the Soviet system. The phrase, like all generalizations, does not entirely fit. Thus the errors and confusion at enterprise level in the USSR are often accompanied by wrong decisions at the center, because the measuring rod (prices) used by the center is itself affected by the arbitrariness that prevails below. Nonetheless, the idea is a very interesting one. It could be adapted to our present purpose as follows: the reformers wish to create order at the micro-economic level and to provide objective macro-economic criteria. But, whatever these criteria are, the macro-economic decisions in a state that has nationalized the means of production must be very largely taken at the center, and depend a good deal on the judgment of political men.

And if this is so, the reforms do not threaten the functions of the party at the center nearly so much as they affect the powers of local party organizations. It is the *oblast* party secretary and those beneath him whose *raison d'être* very largely consists in interfering with economic processes. It is true that the party at the center is also guilty of "objectively unnecessary" interference, but at least at the center it could refrain from such interference and still retain essential economic functions. Let us take some examples: to develop agriculture in the Asian steppelands, an industrial center in North Kazakhstan, or the output of synthetic materials there *must* be a decision at the center, just as in Great Britain the government decides to build (or not to build) a system of superhighways or to raise money to expand nuclear generation of power. But what would a local party secretary do if farms and workshops in his area functioned free of his control (as they should)?

Therefore we must expect the strongest resistance to change to come from the party's local functionaries, and of course from those at the center whose mentality reflects their interests and who love to interfere personally in detailed economic problems. Khrushchev would seem to be just such a man. Yet the recent agricultural reforms he has initiated show that he is aware of the dilemma. Efficiency considerations demanded the elimination of the Machine Tractor Stations (MTS), although these were centers not only of state but also of party control over the collective farms. Indeed, the number of local party officials has been sharply reduced as part of this reform. A major change in the price system is in active preparation at the time of writing, affecting not only farm produce but also a wide range of capital goods used in agriculture. This, in turn, must surely bring nearer the day when a more logical price system is introduced for capital goods in general. Needless to say, the principle of party control over agriculture is far from being abandoned; the reform must be seen as part of the necessary effort to *reconcile* the requirements of efficiency with control in essentials. In any event, the problem is bigger than Khrushchev, and will outlast him.

We can expect the search for new forms of economic planning to continue. There is likely to be a gradual tendency toward a less irrational price structure, more freedom of contract between enterprises, more direct links between user and producer throughout the economy. All this will call for considerable changes, in planning practice, in contract law, in economic theory, in the powers of enterprise managers. Such problems are being talked and written about, and probably more is going on under the surface than is visible to Western observers.

It may well be that the recent industrial reforms, the creation of *sovarkhozy*, will unintentionally serve to speed up the process, because of the confusion that must result from arbitrary interference by *sovarkhozy* with contractual ties between enterprises situated in different economic regions. We may anticipate a period of trial and error. There is as yet no properly worked out "model" of a reformed Soviet economy. Marx and Lenin are barely relevant in this situation, and it must be admitted that the various "socialist" models constructed in the West—by both sympathizers and critics—are also of little help. The search must go on. The pressures toward reform are strong, pressures of interest and necessity. Resistance to major changes is strong too, on grounds of self-interest and of ideology. In all these circumstances it would be foolish to forecast anything, except perhaps that conflicts over these questions will be a feature of Soviet history in the years to come.

THE PSYCHOLOGY OF SOCIAL MESSIANISM

BY W. STARK

I

ONE fine Saturday morning in the year 1824 a man of military gait and bearing knocked at the door of the handsome house in Queen's Square Place, London, which was the home of the famous philosopher and law reformer Jeremy Bentham. He had come to discuss the preparations for the expedition to Greece, in support of the Hellenic revolt against Turkish rule, which was just then being organized, and of which Mr. Bentham was one of the English sponsors. He had not yet breakfasted, because he had in his pocket an invitation to breakfast, and as he had come from the other side of London he was rather hungry. We can surely sympathize with his surprise and dismay when he was told by the servant who admitted him that "breakfast," in Mr. Bentham's language, meant not a morning meal but one taken at three o'clock in the afternoon.

But this was only the first link in a long chain of surprises that awaited Major Parry on that memorable Saturday. When he was summoned to Mr. Bentham's presence at around ten o'clock, he saw a man attired in very strange clothes. His neck was bare; his legs were encased in white worsted stockings and his feet in list shoes; his breeches were light brown and his coat cut in the Quaker style. The whole figure and appearance was, to say the least, extremely odd. And what followed was odder still.

Bentham demanded to be taken to Smithfield and Southwark, to see the field guns that were being made for the Greek army. Hardly had the two men left the house when Bentham, in Major Parry's words, "set off trotting like a Highland messenger," that is to say, running as fast as his old legs would carry him. Bentham had an idea that walking — simply walking — was not good for

the human body, that running and sweating were a great deal more healthful. This was hard on Major Parry, who, as he tells us, was a rather corpulent man. But his physical sufferings were as nothing compared to his moral discomfiture. This became particularly obvious in Fleet Street, at that time a haunt of the London prostitutes. These "perambulating ladies," as Major Parry calls them, were highly amused when they saw the chase, and set out in pursuit in order not to lose any of the fun. "I was heartily ashamed of participating in this scene," Major Parry wrote later on, "and supposed that everybody would take me for a mad doctor . . . and Mr. Bentham for my patient, just broke adrift from his keepers."¹

The day ended with supper at about half past ten, and this meal seems to have been of a more or less orthodox complexion, for Major Parry says nothing to the contrary. But only a short time later Bentham developed the habit of eating his meals backward—starting with the sweet, then having the main meat course, and ending up with the soup.² Otherwise, he claimed, the palate is numbed by the stronger dishes and cannot enjoy the dainties that most people foolishly eat at the end.

And Major Parry was also unable to observe Bentham's greatest and most depressing oddity, his inordinate and indeed childish fear of the dark. John Colls, who was his secretary for fourteen years, tells us that "up to the very latest period of his life, he had an instinctive horror of being left to himself; and whenever he was obliged to pass the night alone, his imagination did not fail to conjure up a quick succession of the most horrible phantoms. . . . The foremost of these was generally 'a raw head and bloody bones,' which would dexterously shew itself from under the bed or from behind the curtains." No wonder that Bentham did not like to sleep by himself. His bedroom had in it not only his own bed (which, incidentally, was made in a manner unlike that

¹ W. Parry, *The Last Days of Lord Byron* (London 1825) pp. 199, 201.

² John Bowring, ed., *The Works of Jeremy Bentham*, 11 vols. (Edinburgh 1838-43) vol. 11, p. 79. Subsequent references to *Works* are to this collection.

practiced in other English houses — in a peculiarly Benthamic fashion) but also a tent-like structure in which one of his secretaries had to sleep, in order to be at the master's beck and call, in case the monster should show itself during the night. The exorcist was rewarded, we are told, by the honorific title of "chamber-fellow," but the secretaries do not seem to have coveted the honor, for we hear that in the end a barber's apprentice had to be hired for the purpose, and he was watching over Bentham's uneasy sleep right to the end of his life.³

In view of this evidence—and there is a good deal more of it—we are surely not unduly harsh on a great man if we say that Bentham's was a psychopathic personality. The matter is not very well known, for his friends tried to cover up his "amiable weaknesses" and were quite clever about it; but the facts are certain all the same.

Now the interesting thing is that this half-madness is by no means peculiar to Bentham. There was a whole group — almost a whole generation — of social philosophers about that time all of whom showed, in their individual ways, signs of alienation. There was, for instance, William Thompson, the first and greatest of the Ricardian socialists, whose odd behavior has been graphically described by Miss Henrietta Wheeler in a letter to her sister, the future Lady Bulwer Lytton;⁴ just a little later there was Herbert Spencer, whose *Autobiography* reveals the very archetype of a hypochondriac. In France there were even more great men of this psychopathic character around the same time.

Perhaps the maddest of these was Charles Fourier, who seriously predicted that before long the brine of the ocean would turn into lemonade, that a halo would descend upon the Pole, making the earth smell good, that all the nasty animals we have about now, such as bedbugs, would be replaced by pleasant and useful anti-types, such as anti-bugs, anti-rats, and anti-wolves.⁵ Henri de Saint-

³ J. F. Colls, *Utilitarianism Unmasked* (London 1844) pp. 53 ff.

⁴ R. K. P. Pankhurst, *William Thompson* (London 1954) pp. 18 ff.

⁵ A. Gray, *The Socialist Tradition* (London 1946) p. 174.

Simon was a somewhat more balanced type, but even he was forced to spend some time in an asylum to get rid of a disease euphemistically described as "insomnia" — not to mention the sorry escapade of his attempted suicide.⁶ And Saint-Simon's disciple Auguste Comte went exactly the same way as his master. He too, in 1826, was the inmate of a so-called *maison de santé*, where they tried to free him from a complaint that was described as a *crise cérébrale*, or crisis of the brain; he too tried to do away with himself by jumping into the Seine. Indeed, it is Comte who shows us most clearly the unfortunate type of mental derangement that is also observable in Bentham and Thompson and Saint-Simon and Spencer and some others.

The goings-on at number 10, Rue Monsieur le Prince, in Paris were no less odd and no less distressing than the goings-on at its counterpart in Queen's Square Place, London. Anyone looking in at the window about the year 1850 would have seen the great philosopher at certain times of the day in a pose of prayer and adoration, the ostensible objects of which were an armchair and a bunch of paper flowers — the armchair in which Madame Clotilde de Vaux had sat when she had called, and the paper flowers she had left when she had taken leave. Comte's day started at half past five in the morning with a quasi-religious service centered around these two pathetic objects, the relics of the lady whom he had loved to distraction and lost to tuberculosis, but who was to him not just a lady but the embodiment of the human race, of the *grand être*, as Comte called it in his personal jargon.

First there would be a "commemoration" of forty minutes, these forty minutes being subdivided into shorter spells, each of which was given to the invocation of a certain idea and a certain image; this commemoration took place before the horsehair armchair. Then followed an "effusion" of twenty minutes before the flowers, connected with the recitation of certain quasi-religious verses taken partly from Dante and partly from Thomas à Kempis. "Addio,

⁶ Maxime Leroy, *La vie véritable du Comte Henri de Saint-Simon* (Paris 1925) pp. 284 ff., 314 ff.

sorella. Addio, cara figlia. Addio, casta sposa! Addio, sancta madre! Virgine-madre, figlia del tuo figlio, addio" — farewell, sister; farewell, dear daughter; farewell, chaste spouse; farewell, holy mother; virgin mother, daughter of thy son, farewell. The effusion ended with the words from the imitation of Christ: "Amem te plus quam me, nec me nisi propter te!" — may I love thee more than myself, and myself only because of thee. Shorter versions of the same ceremony were enacted by Comte daily at half past ten and nightly before turning in, and there were also weekly and yearly services of a special character.

One day Comte saw his beloved one appear to him, and this was not the only hallucination that he achieved. He himself speaks of *images exceptionnelles* — visual images out of the ordinary — and this, it is much to be feared, is rather an understatement than an overstatement of the case. Even Comte's tombstone reveals his madness. It says that the grave holds (at any rate symbolically) "Auguste Comte et ses Trois Anges" — the angels being, in addition to Madame de Vaux, his mother, Rosalie Boyer, and his housekeeper, Sophie Bliaux. There is no place left for, or indeed any mention of, Madame Auguste Comte; she, unfortunately, was ranked by the prophet-philosopher among the devils, an estimate that M. Littré considered to be decidedly less than fair.⁷

We are here confronted, then, with a very curious phenomenon. We have before us a group of men all of whom were endowed with the highest possible intellectual gifts, and yet all mentally deranged, all in the throes of undeniable and cruel mental disease. Types like that have existed at all times, but the interesting fact here is that a number of people with very different hereditary endowments, with very different kinds of upbringing and domestic environments, and with very different life histories too, went the same way, the same unfortunate way, toward final alienation. This massing of cases must arouse the suspicion that at the root of all the trouble there lies one cause, one basic etiology. If we look

⁷ Henri Gouhier, *La vie d'Auguste Comte* (Paris 1931) pp. 273 ff.

more closely I think we can discern that cause and analyze the etiology, and this is what I am trying to do in the present paper.

II

My conclusion is — to put the matter in a nutshell — that in all the cases I have mentioned there is a clash between the personality concerned, the living person of flesh and blood, and the theory he accepted and tried to realize and to live by, an irresolvable conflict between intellect and soul that could end only by destroying the mental framework in which it was being acted out.

Bentham and Comte and all their like were fundamentally saints, men called to sainthood and carrying some of the hallmarks of saintliness. We have a description of Comte's outer appearance from the pen of a sober Englishman who took mathematics lessons with him that brings out the point very well. "He brought to one's mind," we are told, "one of those paintings of the Middle Ages which represent Saint Francis united to Poverty. Upon his features, there was a tenderness which should be called ideal rather than human. Through his eyes which were half closed there shone a goodness of soul so intense that one was tempted to ask if it was not greater even than his intelligence." Bentham made a similar impression, in spite of all his extravagance. "It was impossible to conceive a physiognomy more strongly marked with . . . philanthropy," said Aaron Burr.⁸

And in both cases the inner character was of one piece with the outer appearance. "I am a selfish man," Bentham once said of himself, "as selfish as any man can be. But in me, somehow or other, so it happens, selfishness has taken the shape of benevolence. No other man is there upon earth, the prospect of whose suffering would to me be a pleasurable one: no man is there upon earth, the sight of whose sufferings would not to me be a more or less painful one: no man upon earth is there, the sight of whose enjoyments, unless believed by me to be derived from a more than equivalent suffering endured by some other man, would not be of a pleasura-

⁸ J. Parton, *The Life and Times of Aaron Burr* (Boston: 1898) p. 171.

ble nature rather than of a painful one. Such in me is the force of sympathy!" (*Works*, vol. 11, p. 95). It is perhaps a little disturbing to hear a man speaking of himself in this style; yet what Bentham says may be true, and I think *was* true, in spite of the strong dose of naive self-admiration that his words contain. John Bowring, who was the companion of his declining days, has written this of him: "His susceptibilities were most acute; he could not tolerate the infliction of needless suffering, even upon the meanest of living things — though his philosophy was willing to consent to its infliction, wherever a balance of good was to grow out of it" (*Works*, vol. 11, p. 77).

In case anyone should be inclined to disbelieve even this witness because he was Bentham's friend, there are plenty of facts and features in Bentham's life that bear out what he says. For instance, Bentham had an unconquerable aversion to leave-takings. He liked to welcome people, but he dreaded saying goodbye to them. "Your welcome is so cordial," Félix Bodin wrote to him, "so affectionate, so hospitable, that you are quite right in prohibiting the utterance of a farewell" (*Works*, vol. 10, p. 600). This tenderness of Bentham's took in not only fellow humans but even the animals around him. He had a cat, called Sir John Longborn, whom he fed at his table; he tamed a drove of mice who learned to run up his legs and to eat crumbs from his lap; he even made friends with a pig (*Works*, vol. 11, pp. 80 ff.). Who would not be reminded here of St. Francis, the friend of birds and of fishes?

But the most eloquent as well as the most moving illustration of Bentham's saintly nature is afforded by his behavior in the face of death. "Some time before his death," Bowring writes, "when he firmly believed he was near that last hour, he said to one of his disciples who was watching over him: 'I now feel that I am dying: our care must be to minimize the pain. Do not let any of the servants come into the room, and keep away the youths: it will be distressing to them, and they can be of no service. Yet I must not be alone: you will remain with me, and you only; and then we shall have reduced the pain to the least possible amount'" (*Works*,

vol. 11, p. 95). It is odd, and it jars a little, to hear these sentiments expressed in the calculating language of utilitarianism, to hear of the "minimization" of pain and so on; but the feelings, the warm feelings, behind the cold words are genuine enough.

Now saintly figures of this stamp have — thanks be to God! — graced and adorned all ages, and some of them have undoubtedly been different in their mental makeup from their fellowmen. For instance, to quote just one example, St. Theresa of Avila had a power of imagination far, far above the ordinary level. But the point is that she, and those like her, were characterized by a profound sanity and a strong grounding in common sense. If they had not been, they would not have built up organizations that spread all over the world and lasted for centuries and changed the face of things. What was it, in the case of men such as Bentham and Comte, that drove them out of mental health into mental illness, out of sense into lunacy, or at least near-lunacy?

The answer, I think, is clear. They tried to live with a theory with which they could not possibly hope to live in peace and harmony for any length of time. By nature these men were intensely human and humanitarian, but they threw themselves into the arms of a philosophy that was altogether inhuman, altogether cold and dead. It is characteristic that they, nearly all of them, coveted the same sobriquet — to be acknowledged as the "Newtons of the social world." They all endeavored to build up a social physics, a social mechanics, and they all before long revolted against the spirit of that theory, which, like a millstone, they had tied around their own necks, which they could not throw off, and which, against their better and wiser selves, dragged them down into that night of mental derangement where, we have seen, they all ended up.

Take Bentham first. For him the golden key to universal happiness — that happiness which he so fervently wished to give to his fellowmen — was the felicific calculus, the calculus of pleasure and pain. Quantify your sentiments, measure them, give them a numerical index, and then put them into the scales; do what the

scales indicate, and so move through life from one act of weighing to the other. This is a maxim according to which a physicist or a chemist can live in his laboratory and a businessman in his counting house, but it is not a maxim that will sit easily upon a full-blooded person of flesh and bone, let alone a saint. We cannot really be surprised that it wore Bentham down.

Fourier was in exactly the same situation. He was a typical equilibrist, as the late Professor Nogaro has called these people, a man who wanted to bring everything in the human sphere into a determinate equilibrium. Men's desire to be active and creative and productive must be balanced against their desire to play and change and procure variety; men's desire to gang up with others must be balanced against their desire to compete and contend and conquer; and so on. It is always balance, equilibrium, on which Fourier relies. Not exactly a theory, this, that can satisfy a heart full of love!

With the later writers of this stamp, Saint-Simon, Comte, and Spencer, we can observe a strong influx of the biological spirit, the spirit of the sciences of life that the romantic movement had so powerfully fostered, but it can be shown that all three remained underneath would-be physicists, apes of Newton. Indeed, all three of them used the same term, the same tell-tale phrase, "social physics." They claimed that they were bringing to the world a new gospel of salvation, a new message of hope; but that gospel, that message, was in reality no more than a mathematical stunt. Their social messianism was in fact a mathematical messianism. And the whole concept of mathematical messianism, the whole claim to be able to redeem mankind with the aid of a formula, or, indeed, simply with the aid of the sign of equality, is a stupendous inanity — if it is not even more than that, a revolting blasphemy.

In studying these men I have more than once been reminded of the words of St. Ambrose, so beloved by Cardinal Newman: "Non in dialectica complacuit Deo salvum facere populum suum" — it is not on cleverness that God has founded the salvation of his people. The saints, properly so called, have often demanded that

men should immolate their reason on the cross of love. The protagonists of social messianism, those *saints manqués*, did what is infinitely worse: they immolated their love on the cross of reason. And in trying to do that they destroyed both their love and their reason; by trying to stretch their reason beyond its given stature they dashed it to the ground and broke it like an earthen vessel.

In truth, if the ridiculous oddities of these poor maniacs are disregarded they must needs appear as infinitely tragic and pathetic figures. Without exception we find them in later life in loneliness and isolation. Through their inhuman theories they simply lost the capacity of living with human beings. It is no accident that of the six philosophers we are considering, four never married and the remaining two were divorced almost immediately after marriage. Bentham described his house as a hermitage and himself as a hermit. Fourier lived by himself in a joyless attic, Thompson buried himself in the wilds of Ireland. Comte practiced what he described as *hygiène mentale*; he found that any exchange of ideas with other people hopelessly upset him, and for this reason he refused to enter into any discussion of any kind. Spencer, too, had this fear of the impact of other people's thought on his own; toward the end of his life he used a pair of ear-stoppers that he put on as soon as anybody approached him with an obvious desire for conversation.

But although these men feared and avoided the company of their fellows, although they all suffered, to a greater or less degree, from anthropophobia, they could not live without love, reciprocated love. We must not forget that underneath all their isolation there lay an excessive rather than an insufficient dose of sociality and goodwill and yearning for human warmth. It is almost painful, almost distressing—even today, at a hundred years' distance—to observe them in their plight. Their hearts were full to bursting, yet they could not find anybody on whom to lavish their affection.

I have already mentioned the name of John Colls, who was for a long time Bentham's daily companion and in the end turned

into his enemy. Bentham almost begged for his love. "During the first few years of my residence with him," Colls says in his pamphlet *Utilitarianism Unmasked* (p. 12), "he took every pain to impress me with a love and even a reverence for his character and talents, treating me with almost parental kindness, and frequently speaking of me as 'his own boy'. . . . But I never could bring my heart thoroughly to respond to these ostensible marks of endearment; since I always fancied I could discover, under the guise of all this external friendship, 'the selfish motive'"—that selfish motive that Bentham's intellect, though not Bentham's heart, had set up as the one and only spring of human action.

What a tragedy we have here before our eyes! Like Sisyphus, these men were always reaching for the golden fruit of friendship, and it always escaped their grasp. It is understandable that if somebody crossed their path who was prepared to show them only a little bit of affection, they were at once swept off their feet and fell into an infatuation so violent as to be altogether beyond the bounds of reason. That is what happened to Auguste Comte when he met Clotilde de Vaux; it is what happened also to Jeremy Bentham when he started his friendship with John Bowring. In these instances the human love that had been driven underground asserted itself with renewed and indeed with redoubled vigor. But when it regained the surface it was no longer quite the feeling it had been before—before its encounter with the theory of social, or rather mathematical, messianism. It had become a diseased and grotesquely disfigured sentiment.

There is a fine novel by Nathaniel Hawthorne, called *The Blithedale Romance*, in which the mental and moral degeneration of men like Comte and Bentham is lucidly explained. One of the figures in the story is a certain Hollingsworth, and Hollingsworth manifestly belongs to the group of thinkers whom we have labeled social messianists. Originally, we are told, he was "the tenderest man and the truest friend on earth." But then

this tenderness and this friendship are progressively withdrawn from his fellowmen and bestowed—increasingly and in the end exclusively bestowed—on his “philanthropic theory,” the “cold, spectral monster,” as Hawthorne calls it, “which he had himself conjured up, and on which he was wasting all the warmth of his heart.”

“The result,” Hawthorne writes, “was . . . exceedingly sad to contemplate, considering that it had been mainly brought about by the very ardor and exuberance of his philanthropy. Sad, indeed, but by no means unusual. He had taught his benevolence to pour its warm tide exclusively through one channel, so that there was nothing to spare for other great manifestations of love to man, nor scarcely for the nutriment of individual attachments. . . . There was a stern and dreadful peculiarity in this man, such as could not prove otherwise than pernicious to the happiness of those who should be drawn into too intimate a connection with him. He was not altogether human. There was something else in Hollingsworth besides flesh and blood, and sympathies and affections, and celestial spirit. This is always true of those men who have surrendered themselves to an overruling purpose. It does not so much impel them from without, nor even operate as a motive power within, but grows incorporate with all that they think and feel, and finally converts them into little else save that one principle.”⁹ But once this has happened, the essential human quality has finally and irrevocably departed from the person concerned, for a principle is one thing, and a man is quite another; what has remained behind is merely an abstraction on two legs.

This may sound unduly sharp and bitter, but the taunt is not entirely undeserved. Indeed, one at least of our six authors had enough self-criticism and self-knowledge to recognize how denaturalized he had become. “In most men,” Herbert Spencer says in his *Autobiography*,¹⁰ “personal considerations conquer

⁹ Paterson ed., pp. 66 ff., 83 ff., and 279.

¹⁰ See vol. 1, p. 184; also vol. 2, pp. 391, 441, 444 ff.

impersonal ones: in me the contrary happens." This is a revealing passage, for all its brevity. Somebody who, inside the circle of living beings, consistently acts, or tries to act, according to dead principles is surely, as Hawthorne puts it, "not altogether human." In fact, he is a walking contradiction in terms, and his inner tension must in the end destroy him, as it destroyed all those we have here brought together under the collective name of social messianism.

Historically, social messianism was in the main a transitory phenomenon. Apart from Spencer, who was already something of an anachronism in his day, it did not survive into the second half of the nineteenth century. The reasons for this are implicit in our analysis. The men who came after Bentham and Comte and Fourier and Thompson—figures like Bakunin or Mazzini or Marx—were adepts not of abstract theory so much as of concrete action. They did not believe that humanity could be redeemed and released from its sufferings by the application of an inhuman law; they put their trust rather into human effort, individual or collective. They were men not of speculation but of will.

In some ways they were inferior to their predecessors, for what dominated their personalities was all too often hatred and all too rarely love. But they had the great advantage over the social messianists that their philosophies led them into the arena of politics, and that arena, however disgusting it may be in other ways, has at any rate this to recommend it, that it forces those who enter it to behave like human beings, to love and to hate in the concrete, not in the abstract, and to live with people of flesh and blood, not with figments of the brain, however grand and however well intentioned. Social messianism, for all the inspired humanitarianism that was at the root of it, appears in retrospect as no more than a sad example of human waywardnesses and mental aberration.

A STUDY IN PHILOSOPHY AND THE SOCIAL SCIENCES*

BY MAURICE NATANSON

MY INTENTION in this paper is not to survey either the historical or the structural relationships between philosophy and the social sciences, but rather to focus on a basic systematic problem in methodology: the philosophical character and implications of the methods of social-scientific inquiry. By "methodology" I understand the underlying conceptual framework in terms of which concrete studies in history, sociology, economics, and the like are carried out, and in terms of which they receive a general rationale. Therefore I am not concerned here with the nature of specific techniques that social scientists utilize, or with their evaluation. Instead, I am interested in what I take to be a distinctly philosophical task, the analysis of the underlying presuppositions of the conceptual systems employed by social scientists in virtue of which their scientific enterprise is carried out. Methodology in the sense in which I am using it thus implies a certain order of philosophical commitment.

The framework for my remarks is historically oriented, however, since I wish to begin with two major methodological approaches to the task of social-scientific inquiry. The approaches in question will provide us with a point of departure for a discussion of social-scientific methodology, its relationships with natural-scientific inquiry, and its general philosophical implications. Such a discussion looks toward the concrete problem of this paper, which is an analytic, critical comparison of naturalistic and phenomenological approaches to the methodology of the social sciences. It shall be my purpose to point out certain crucial inadequacies in the naturalistic interpretation of social science—

* AUTHOR'S NOTE—This paper was presented before the North Carolina Philosophical Society, meeting at Durham in the Fall of 1957.

inadequacies that can be overcome, it seems to me, by a phenomenological approach.

I

Let me begin, then, with a statement of two positions. I use the designation "naturalism" in this context to refer to that approach to social science which holds that the methods of the natural sciences, scientific method generally, are not only adequate for the understanding of social phenomena but indeed constitute the paradigm for all inquiry in this field. A conjoint thesis of naturalism is that of the qualitative continuum between problems of the natural and of the social sciences. William R. Dennes expresses this point quite clearly: "There is for naturalism no knowledge except that of the type ordinarily called 'scientific.' But such knowledge cannot be said to be restricted by its method to any limited field of subject matter—to the exclusion, let us say, of the processes called 'history' and the 'fine arts.'"¹

Thelma Z. Lavine presents the thesis of naturalism in this way: "The naturalistic principle may be stated as the resolution to pursue inquiry into any set of phenomena by means of methods which administer checks of intelligent experiential verification in accordance with the contemporary criteria of objectivity. The significance of this principle does not lie in the advocacy of empirical method, but in the conception of the regions where that method is to be employed. That scientific analysis must not be restricted in any quarter, that its extension to any field, to any special set of phenomena, must not be curtailed—this is the nerve of the naturalistic principle. 'Continuity' of analysis can thus mean only that all analysis must be scientific analysis."²

It follows clearly that naturalistic methodology is held to be applicable to the problems of the social sciences—in fact, that a proper theory of the social sciences would have to be founded in

¹ William R. Dennes, "The Categories of Naturalism," in *Naturalism and the Human Spirit*, edited by Yervant H. Krikorian (New York 1944) p. 289.

² Thelma Z. Lavine, "Naturalism and the Sociological Analysis of Knowledge," *ibid.*, pp. 184-85.

these terms. In the words of Ernest Nagel, it would have to be a theory that, "in its method of articulating its concepts and evaluating its evidence," would be "continuous with the theories of the natural sciences."³

The second approach is radically different. It directly argues that the phenomena of the social sciences are not qualitatively continuous with those of the natural sciences, and that very different methods must be employed to study social reality. Here it is maintained that what is needed above all is a way of looking at social phenomena which takes into primary account the intentional structure of human consciousness, and which accordingly places major emphasis on the meaning social acts have for the actors who perform them and who live in a reality built out of their subjective interpretation.

Obviously the label "phenomenological" is less than satisfactory for this total approach, since it neither derives directly from the philosophy of Edmund Husserl nor is always philosophically compatible with principles of Husserlian phenomenology. Nevertheless, I prefer the term "phenomenological" to the possible alternative "subjective," for although the former may be misunderstood, the latter is necessarily misinterpreted in the context of its present meaning if it is equated, as unfortunately it generally is, with personal or private or merely introspective, intuitive attitudes. I shall therefore use "phenomenological" as a generic term to include all positions that stress the primacy of consciousness and subjective meaning in the interpretation of social action.

The clearest expression of this standpoint is offered by Max Weber: "Sociology . . . is a science which attempts the interpretive understanding of social action in order thereby to arrive at a causal explanation of its course and effects. In 'action' is included all human behaviour when and in so far as the acting individual attaches a subjective meaning to it. Action in this sense may be

³ Ernest Nagel, "Problems of Concept and Theory Formation in the Social Sciences," in American Philosophical Association, Eastern Division, *Science, Language, and Human Rights* (Philadelphia 1952) p. 63.

either overt or purely inward or subjective; it may consist of positive intervention in a situation, or of deliberately refraining from such intervention or passively acquiescing in the situation. Action is social in so far as, by virtue of the subjective meaning attached to it by the acting individual (or individuals), it takes account of the behaviour of others and is thereby oriented in its course.”⁴

Contemporary discussion of the problems of the social sciences has been dominated by the dialogue between representatives of the two camps. Most of the characteristic problems of social-scientific methodology have been at issue: criteria of verification, the status of so-called introspective reports, the use of models in explanation, the applicability of mathematical or formalistic modes of description to social phenomena. But underlying all of these topics there is what I consider to be the root issue for the entire range of problems involved: the question of the nature and status of knowledge as such in science as such. At the basis of all methodological analysis there lies an essentially epistemological problem, that of the critique of knowledge. It is this problem I am interested in exploring at present. To carry out such an exploration requires that we turn to the epistemological grounding of the naturalistic and phenomenological approaches.

As we have seen, it is the central contention of the naturalistic school that the methods of natural science constitute the proper means for inquiring into social phenomena. Now if we distinguish between methods in the sense of concrete techniques and methods in the philosophical sense of conceptual instruments, it is clear that the naturalist’s thesis is directed to a level concerned with the kind of knowledge involved in social science. In other words, the naturalist is suggesting that the concepts of the social sciences, as well as the theoretical matrix for those concepts, are identical or ought to be made identical with those of the natural sciences.

⁴ Max Weber, *The Theory of Social and Economic Organization* (New York 1947) p. 88.

But at what level is this suggestion offered? Is the suggestion itself a proper part of scientific discourse? Is the analysis of the conceptual structure of a system within the province of science? Is the working out of a system of scientific explanation to take place within the framework of natural science? Are philosophical questions about natural science to be treated as problems within the methodology of natural science? All of these questions lead back to a foundational one: is an epistemological analysis of the kind of knowledge involved in natural-scientific discourse to be taken at the same level with natural-scientific problems, and therefore to be answered in terms of the criteria of explanation provided by natural science? The immediate question is then whether natural science can talk about itself philosophically in natural-scientific terms. But before turning to the paradox I think is involved here, let us glance at the epistemological problem relevant to the phenomenological approach.

To decide that the problems of the social sciences are first of all phenomenological means that social action is understood as founded on the intentional experience of the actors on the social scene. The kind of theoretical framework erected in accordance with this insight is distinctively philosophical, that is, questions about the nature and status of intentional experience may themselves be raised and resolved within the same framework. A phenomenological approach has then this unique characteristic: questions about its own methods and procedures are part of its structural content. Since a phenomenological system is not bound to criteria taken over from a non-philosophical or a supra-philosophical domain, it may consider immanent problems. For the same reason a philosophical system may, indeed must, consider its own procedures and articulation as part of its field for inquiry. The point is that a phenomenological approach lends itself completely to philosophical self-scrutiny.

At the conceptual level, then, the method of natural science and the method of social science are radically different; the former is rooted in a theoretical system that may never take itself as the

object of its inquiry without transcending its own categories; the latter, in its phenomenological character, necessarily becomes self-inspecting yet remains within the conceptual system involved, that of philosophical analysis. Furthermore, whereas a phenomenological approach begins by raising the question of its own philosophical status, the naturalistic standpoint cancels out the possibility of self-inspection by its own claim that natural science provides the essential method for stating and evaluating philosophical claims.

It might appear that this analysis of naturalism does not do justice to its precisely philosophical character, that it fails to acknowledge the status of naturalism as a philosophy that reflects on nature and experience. Rather than replying to this caution directly, I prefer to consider it first in the context of a fairly recent statement by a philosopher in the naturalist tradition who approaches this criticism of naturalism in an especially forceful manner.

II

In a 1953 article Thelma Z. Lavine, herself a contributor to the earlier volume entitled *Naturalism and the Human Spirit*, reflects on certain problems raised in that volume concerning philosophical naturalism, and addresses herself to a criticism of the fundamental method of naturalistic inquiry.⁵ Although her purpose is a reconstruction of naturalism in the light of her criticisms, rather than an abandonment of the position, her critical remarks are directly relevant to the present discussion.

Miss Lavine (p. 153) presents four basic charges that she thinks naturalism must face: "(1) naturalism's surrendering of the status of constructive philosophy for that of methodological principle; (2) its failure to raise the question of its own method as distinguished from that of science; (3) its neglect of elements other than the experimental in scientific method; (4) its omission of

⁵ Thelma Z. Lavine, "Note to Naturalists on the Human Spirit," in *Journal of Philosophy*, vol. 50, no. 5 (February 26, 1953) pp. 145-54.

the problems of social science method." Her statement of the first two charges (pp. 146-47) will suffice for an account of her general argument:

The dominating concern with the unrestricted applicability of scientific method tends unfortunately to reduce naturalism itself to a mere uncompromising testimonial to the universal adequacy of that method. Naturalism is left with only a negative function: watchdog of scientific method, sniffing out interloping methods. A naturalism that is content to be defined by a principle of continuity of analysis conceived in terms of experiment and empirical verifiability must also be agreeable to forfeiting its status as a positive, i.e., constructive philosophy. . . . A related difficulty stems from the failure to distinguish at all times between the method stipulated by naturalism for inquiry into all types of subject matter and the method of naturalism itself. If naturalism views 'itself,' however, as nothing but a methodological principle, it is easy to see why more care was not devoted to distinguishing itself from the scientific method it recommends. Naturalism as mere 'controlling methodological principle' or as 'criticism' is in the limbo of methodology, concerning which methodological questions are rarely raised. The failure to raise clearly the question: '*What is the method of naturalism?*' even more than the failure to provide a clear answer, has two unhappy results. It has, firstly, suggested to some that the method of naturalism is the method of the sciences. Yet who should know better than a naturalist that only science uses scientific method? Secondly, an even less desirable result of not inquiring into the method of naturalism is that naturalists have thereby cut themselves off from that insight into their own philosophy which can lead them out of the *cul-de-sac* of a position which is nothing but a methodological principle.

I have quoted here at length because I believe that this statement on its own account deserves more serious attention than it was given in Ernest Nagel's reply to it,⁶ and because, coming from a naturalist, it is doubly interesting.

For Miss Lavine (p. 150) the way out of this naturalistic impasse is provided by a reconstructed "method of understanding" or

⁶ Ernest Nagel, "On the Method of *Verstehen* as the Sole Method of Philosophy, in *Journal of Philosophy*, vol. 50, no. 5 (February 26, 1953) pp. 154-57.

Verstehen, which has, among other things, the "merit of designating the . . . non-experimental elements in scientific and in philosophic theory." "What is here being suggested," she writes (pp. 151-52), "is that those present difficulties of naturalism stemming from its incapacity to admit and to treat effectively the various non-experimental elements in inquiry may be resolved by a naturalistically reconstructed method of *Verstehen*. In this reconstruction the most important single task is working out a set of controls for the *verstehendes* element in philosophic and scientific theory which will serve, as do the controls in experimentation, as empirical checks." Of course, it is Miss Lavine's view that such a reconstruction is possible within the naturalistic framework. I would like to challenge this contention.

First, it is necessary to be clear about the meaning of *Verstehen*. The translation "understanding" is not a happy one, because *Verstehen* signifies a certain kind of understanding relevant primarily to human behavior. *Verstehen* is interpretive understanding. If we go back to Max Weber's conception of the subjective interpretation of meaning in social action, we will have a clearer notion of what is at issue here. Weber maintains that the primary task of the sociologist is to understand the meaning an act has for the actor himself, not for the observer. The kind of understanding involved is precisely that of *Verstehen*.

What is sought in such explanatory understanding is the total character of the intentional framework of the actor, which alone provides the key to the meaning of a specific act he performs. A particular act is referred back interpretively to the intentional matrix that is the ground of its meaning. "Thus," Weber writes (*op. cit.*, pp. 95-96), "for a science which is concerned with the subjective meaning of action, explanation requires a grasp of the complex of meaning in which an actual course of understandable action thus interpreted belongs. In all such cases, even where the processes are largely affectual, the subjective meaning of the action, including that also of the relevant meaning complexes, will be called the 'intended' meaning. This involves a departure

from ordinary usage, which speaks of intention in this sense only in the case of rationally purposive action." *Verstehen*, then, for Weber, is the operation concerned with explicating the structure of subjective interpretation of meaning. But this is not all that *Verstehen* signifies.

Alfred Schutz has pointed out that *Verstehen* has at least three different levels of application. It may be understood "as the experiential form of common-sense knowledge of human affairs . . . as an epistemological problem, and . . . as a method peculiar to the social sciences."⁷ It is the failure to distinguish these different levels which explains, in part, much of the confusion involved in the criticisms directed against Weber's postulate of the subjective interpretation of meaning. These criticisms are usually generated by the following assumptions: first, that Weber is saying that a different kind of knowledge is involved in understanding social phenomena from that involved in understanding natural phenomena; second, that the method of *Verstehen* consists in an empathic response to or imaginative reconstruction of another person's motivation in social action; third, that Weber's postulate of subjective interpretation involves a "subjectivism" that renders the method of *Verstehen* not only unscientific but even anti-scientific; and fourth, that the method of *Verstehen* offers no criteria for scientific explanation. As Ernest Nagel puts it (*op. cit.*, p. 156), "the method of *Verstehen* does not, by itself, supply any criteria for the validity of conjectures and hypotheses concerning the springs of human action."

All of these assumptions are false and completely misleading. A review of the three levels of *Verstehen* presented by Schutz will enable us to see what Weber is advocating. To say, in line with the first of those levels, that *Verstehen* is "the experiential form of common-sense knowledge of human affairs" means that as a matter of fact men in daily life do interpret one another's actions by seeking to grasp the meaning intended by fellowmen. Con-

⁷ Alfred Schutz, "Concept and Theory Formation in the Social Sciences," in *Journal of Philosophy*, vol. 51, no. 9 (April 29, 1954) p. 265.

sider some of the language involved at this level. "What did he really mean by that?" "Why don't you say what you mean?" "Who does he think he's fooling?" If overt statements and actions were always taken at face value, taken as true indicators of the speaker's opinions and attitudes, sincerity would be a meaningless term, politics would be without a subject matter, and history would be the chronicle of human vegetation. Commonsense interpretation turns out to be a highly complicated instrument. Motive, attitude, intent, and purpose are the primary structures looked to as the *real* basis for understanding overt behavior. *Verstehen* at the level of commonsense is the actual mode of understanding utilized by actors in daily life to interpret one another's actions.

"As a method peculiar to the social sciences," another level of application formulated by Schutz, *Verstehen* is concerned with the typifications of interpretation found in commonsense life, and endeavors to provide a theoretical system suitable for their clarification. This theoretical system has as its guiding principle the subjective interpretation of meaning, but how this principle is utilized depends on the particular way in which the theoretical system is understood. There are two aspects to the system. First, it is the theoretical foundation for a method of interpreting social phenomena, that is, it provides the general concepts in terms of which the method of *Verstehen* is comprehensible. But second, it is a philosophical foundation for comprehending the intentional structure of social action.

For this reason it makes good sense to say, with Schutz, that *Verstehen* may be understood in a third application "as an epistemological problem." Here there are again two aspects to be grasped. *Verstehen* is concerned epistemologically with the cardinal philosophical problem of the social sciences, that of intersubjectivity; at this point it endeavors to pose the problem rather than to resolve it. But a second meaning of *Verstehen* involved here is that of philosophical method itself; in this sense it is synonymous with what might be termed metaphilosophical inquiry, that is, a

necessarily a priori, dialectical, categorial analysis of philosophical procedures. Since philosophy is necessarily reflexive in character, since a philosopher must necessarily concern himself with the critique of his own enterprise (in its systematic rather than psychological context), it follows that metaphilosophy is an indispensable part of philosophical analysis. *Verstehen* is as essential to philosophical life as it is to commonsense life.

The misunderstandings involved in the criticisms of Weber presented before are now manifest. It is not that a different *kind* of knowledge is involved in the social sciences as compared with the natural sciences, but that the object of knowledge is different. The social sciences are concerned with the intentional dimension of social reality. Again, the "method" of *Verstehen* is not that of empathic or imaginative response, but rather a conceptual clarification of the interpretive understanding descriptively involved in the affairs of commonsense men in daily life. Furthermore, the "subjectivism" of Weber's postulate of interpretation does not mean that private, intuitive, unverifiable elements are involved in the understanding of social action, but that the very structure of social action is built out of the intentional character of human life (compare Schutz, pp. 269-70). Finally, to argue, as Nagel does (p. 156), that "the method of *Verstehen* does not, by itself, supply any criteria for the validity of conjectures and hypotheses concerning the springs of human action" is to confound several senses of "method" and to ignore what is distinctive about Weber's leading principle. *Verstehen* is not concerned at any level with providing empirical criteria for determining the validity of hypotheses; as a philosophically directed method it is concerned rather with the conceptual framework within which social reality may be comprehended.

Interestingly enough, this interpretation of the method of *Verstehen* as metaphilosopically oriented is in complete agreement with Miss Lavine's presentation of *Verstehen* (p. 150) as "designating the . . . non-experimental elements in scientific and in philosophic theory." Indeed, it is her claim (p. 153) that "*Verstehen*

is the sole method of philosophy. Alternative philosophies cannot differ in the method they employ, but only in the types of terms they select as the objects of reflection." But now it is Miss Lavine's contention that *Verstehen*, understood in this sense, may be appropriated by a reconstructed naturalism and thus provide what amounts to a philosophical grounding for the naturalistic position. I am in complete agreement with Miss Lavine's criticisms of naturalism, and with her conclusion that the method of *Verstehen* is needed to correct the central inadequacies she has indicated. I do not agree, however, that a reconstruction of *Verstehen* is possible in naturalistic terms. My reasons follow.

It seems to me, first of all, that Miss Lavine, having distinguished between methods of science and philosophical analysis, between "the method stipulated by naturalism for inquiry into all types of subject matter and the method of naturalism itself" (p. 146), lapses into the very evil she is attacking when she recommends a *Verstehen* reconstructed in such a way that empirical controls are built into it. It may be well, however, to quote her own conception (p. 152) of what such an empirically controlled *Verstehen* would involve:

A naturally reconstructed method of *Verstehen* would make possible the revising of the naturalistic methodological principle to incorporate *Verstehen* and would thus make this principle a more accurate statement of naturalistic aims. For naturalists do not so much seek to deny the fact of the various non-experimental elements in inquiry as they fear the uncontrolled philosophic vagaries which are apt to result from acknowledging them. Once naturalistic safeguards were provided for *Verstehen*, this new content might modify the form of the principle of continuity of analysis as follows: *The naturalistic principle is the resolution that inquiry into any area be subject to the single intellectual criterion of pertinent empirical checks upon the methods employed.* This is to say that *the nerve of the naturalistic position is not insistence upon a "single intellectual method" but upon a single intellectual criterion for whatever method may be feasible.* What is crucial, of course, is the concept of the pertinence of empirical checks to given methods.

If *Verstehen* is offered by Miss Lavine (p. 153) as "the sole method of philosophy," which is then to be the method of naturalism, I do not see how it can be consistently suggested that "naturalistic safeguards" can be "provided for *Verstehen*." It was the philosophical status of naturalistic safeguards which was placed in question by Miss Lavine in her criticisms of naturalism. To reinvoke naturalistic criteria as correctives for a reconstructed naturalistic method is to take a step forward and follow with a step back. Moreover, Miss Lavine sacrifices the central point of her argument when, after making it clear that *Verstehen* is the essence of philosophical method, she reverts to a notion of *Verstehen* in the narrow sense of method as a conceptual device.

Verstehen in the broad sense cannot be "incorporated" into naturalistic methodology, because it is itself foundational; the meaning of methodological incorporation is part of the subject matter of *Verstehen*. What Miss Lavine wishes to do is quite clear. She wants to found naturalism philosophically without departing from naturalistic method. But her own placement of naturalism "in the limbo of methodology" (p. 147) should have warned her away from such an undertaking, and her insight into the character of *Verstehen* as the fundamental method of philosophical inquiry might have suggested a way out: the transcendence of naturalism in favor of a phenomenological standpoint.

III

Thus far I have used the term "phenomenological" to designate a general style of social science which takes human consciousness and its intended meanings as the proper locus for the understanding of social action. In this sense such American social scientists as W. I. Thomas, Cooley, and Mead, in addition to the European school influenced directly by Max Weber, are all representatives of the phenomenological standpoint. Now, however, I wish to narrow my usage of the term to the technical meaning in contemporary philosophy given to it by Edmund Husserl, and suggest that Husserlian phenomenology not only is capable of pro-

viding a philosophical grounding for the social sciences but is distinctively suited to the philosophical task of *Verstehen*. Husserl's doctrine of the intentionality of consciousness provides an immediate entrance into the questions at issue.

All perceptual acts, in the broad Cartesian sense, have a directional character, an active movement that intends some object. Unlike the naive, real object of commonsense or natural science, the intentional object is merely the correlate of the act of intending. The intentional object, or noema in Husserl's language, is the object as *meant*, as *intended* in the acts of thinking, remembering, willing, imagining, and the like. Phenomenology is a discipline concerned with the description of the phenomenon in so far as it is given to consciousness by way of the acts of intentionality. Since the entire range of intentional activity is taken as the subject matter for phenomenological investigation, the intentional life of actors in social reality is clearly included in the phenomenological domain. And here philosophical and sociological concerns merge into a single concordant venture: the attempt to comprehend social action in terms of the intentional meanings consciousness ascribes to its objects. Phenomenology is precisely, therefore, philosophical *Verstehen*.

In addition to its methodological rapport with the structure of social life, phenomenology is also a philosophy that claims to be self-founding. Determining whether it is truly a presuppositionless philosophy depends first on understanding in what sense that phrase is used by Husserl, a problem outside the province of this paper. But it is proper to suggest here that by a self-founding philosophy Husserl meant a position that attempts an absolute scrutiny of its own concepts, postulates, principles, and general procedures, by referring them back in each case to their experiential roots in the intentional life of consciousness. Therefore what distinguishes Husserlian phenomenology from all other positions is its insistence on a method that is reflexive, that places in radical question its own enterprise, and that seeks to found its results on a transcendental ground rendered apodictic by the

instrument of phenomenological reduction. In contradistinction to naturalism, then, phenomenology not only is able to ground its own method but is defined by its insistence on doing so. Phenomenological philosophy is phenomenologically derived and phenomenologically realized.

Finally, the phenomenological approach to social reality fulfills the method of *Verstehen* since it offers a *philosophy* of the social world, rather than techniques or devices in the narrower methodological sense. And the social world at issue for the phenomenologist is the original, forceful, meaning-laden reality in which we exist. It is this world, the world of the natural attitude, which requires the interpretive understanding of *Verstehen*. When the naturalist approaches social reality in terms of the methods of natural science, he forfeits his philosophical concern with a crucial dimension of reality and indeed reduces himself to limbo. Phenomenology claims to reconstruct social action by providing a fundamental clarification of its intentional structure within the framework of a comprehensive philosophy. It claims to return us to the social world in its full richness and urgent complexity. These are its claims. The demonstration of what is claimed involves another story, one much more difficult to tell.

SCIENTIFIC METHOD AND THE CRIMINAL-TRIAL DECISION

BY EDWIN M. SCHUR

AT THE turn of the century Jevons remarked that "Attempts to apply the theory of probability to the results of judicial proceedings have proved of little value, simply because the conditions are far too intricate."¹ And more recently a lawyer and an anthropologist have stated that "Even the specialists of the social disciplines find the self-contained world of authoritative legal doctrine a sort of unchartable fourth-dimension space."² Yet despite such critical commentary, considerable effort is still being dedicated, on numerous levels, to the search for legal certainty.

The present paper attempts to suggest certain obstacles to the application of scientific method in the domain of criminal law—with special reference to a narrower realm, the determination of guilt or innocence in the criminal trial. It is not within the scope of this analysis to indicate whether the considerations that follow apply equally well to other branches of the law, though this question, to be sure, opens up many interesting and challenging avenues of inquiry. Nor is it the writer's intention to dwell on the highly involved problem of "the nature of law," although certain of the following comments necessarily touch on that issue. Rather the emphasis is on the nature of criminal-trial deliberations, particularly as they occur within the framework of modern American criminal-law principles and practices.

It is the contention of this paper that those who would view the decision in a criminal trial as a logical outcome of certain propositions too often ignore both the nature of such propositions as may be applied in this area and the major importance of extra-

¹ W. Stanley Jevons, *The Principles of Science*, 2nd ed. (London 1905) pp. 215-16.

² K. N. Llewellyn and E. A. Hoebel, *The Cheyenne Way* (Norman, Okla., 1941) p. 41.

logical considerations in shaping the criminal judgment. Recognition of these limitations constitutes not a blanket admission of defeat in the quest for a "legal science," but rather an invitation to facilitate that quest through an increased adoption of appropriate sociological and methodological modes of analysis.

I

Most attempts to achieve a sense of legal certainty have, in essence, used as a model the syllogism of the Aristotelian logician. And quite naturally the segment of legal reality that has been most closely examined in this process is that of legal rules. According to recent American rule-logicians a great deal of regularity is in fact observable in the field of judicial decision. It is maintained that as legal rules and concepts are rendered more meaningful and precise, such regularity will tend to increase and a fair degree of predictability can be achieved. In the field of criminal law, factors that may encourage this hope include the doctrine requiring "strict construction" of criminal statutes, the general trend toward codification, even in common-law systems, and that bulwark of Anglo-American jurisprudence, the "rule of law," or "principle of legality," embodied in the maxims *nullum crimen sine lege* and *nulla poena sine lege*.

Whether the underlying orientation be behavioristic psychology, cultural anthropology, or "functional analysis," the study of legal rules has invariably stressed the development of a self-consistent, self-contained, dependable system of formal legal doctrine. In all this the analogy to the world of the natural scientist (in particular that of the mathematician) becomes evident. Thus we find a philosopher of the stature of Morris R. Cohen writing, in defense of a "hypothetico-deductive" approach to legal problems, "law without concepts or rational ideas, law that is not logical, is like pre-scientific medicine—a hodge-podge of sense and superstition, as indeed has been most of the world's common sense as distinguished from science."³

³ Morris R. Cohen, *Law and the Social Order* (New York 1933) p. 195.

The notion of applying logic to law occurred many years ago to Leibniz, a lawyer, who thought that the conception of a universal mathematics might be able to solve all problems and end all disputes. It is perhaps ideas of this sort that have led a modern thinker like Huntington Cairns to suggest that "Legal theory may eventually be reduced to something approaching the status of geometry so that we will have sets of entities from which we can account for all the important propositions of the legal order."⁴

Rule-logicians, then, seek to reduce law and legal process to some sort of dehumanized objectivity. The limitations of this approach to criminal-law phenomena become apparent when one considers what it can, at best, accomplish. Under such an ideally logical system a syllogism of this sort might be applied to a particular criminal prosecution: all xyz is "manslaughter"; this is a case of (that is, defendant committed) xyz; therefore this is a case of (that is, defendant is "guilty" of) manslaughter.⁵ And from such thinking may develop a feeling that there is some sort of strict physical association or even causation involved here—that whenever xyz is "given," manslaughter will be "given" or will "result." This seems scientifically untenable when one considers first that "manslaughter" is clearly a mental construct and that x, y, and z are not things, physical conditions, or even objective facts (as will be discussed in greater detail below). Furthermore, "defendant is found [we must stress this, to be realistic] guilty of manslaughter" and "manslaughter is given" (or manslaughter "results") are completely different kinds of statements.

As for the original syllogism, a great deal is assumed in the minor premise. While the rule-logician may concern himself with what rule to apply, given xyz, he often tends to dodge the

⁴ Huntington Cairns, *Legal Philosophy from Plato to Hegel* (Baltimore 1949) p. 565. See also the same author's *The Theory of Legal Science* (Chapel Hill 1941).

⁵ A related type of syllogism, which, however, will not be discussed here, would be: all xyz (manslaughter) requires imposition of mno (punishment); this is a case of xyz; therefore mno is required.

crucial questions of whether, in a given case, xyz are really given, how we can accurately determine their existence, and if they are given the extent to which and manner in which the defendant is connected with them. In any attempt to apply scientific method to criminal-trial deliberations, we may well be justified in labeling these the major questions. Despite the admonition of Holmes that "the life of the law is not logic but experience," rule-logic persists in dealing with constructs too much as if they were things. Enthusiasm for formalism tends to breed neglect of the real "things" in question—that is, what actually happens in a particular case, both in terms of the alleged facts giving rise to a cause of action and the facts of courtroom behavior.

This approach tries to make of law a self-enclosed system; it treats of a law of inaction, and ignores law-in-action. Yet surely it is law-in-action that matters most. And if the social world is to a considerable degree an open system, is not the world of law-in-action similarly open? While it may be said that the prime purpose of scientific endeavor is to limit the "openness" of the system under study, surely grave reservations must be felt about attempting what Schoeffler has called the "artificial closure" of any such system.* Since law-in-action (and particularly criminal law in action) must be viewed as an aspect of social reality, the obstacles to studying and understanding social reality (obstacles that distinguish the task of the social scientist from that of the mathematician and natural scientist) must apply to this kind of action in the social world.

An important consideration that must underlie the study of legal reality is that law is man-made, man-interpreted, man-applied, and man-changed. The human element is the key one. Yet the dehumanization of law is so pervasive that undoubtedly the "man in the street" thinks of law primarily in terms of rules and of rule-logic. This is reflected in the question typically asked of a lawyer, "What is *the law on*" this or that subject? Much more disturbing evidence of the hold this outlook maintains on the public

* Sidney Schoeffler, *The Failures of Economics* (Cambridge, Mass., 1956) p. 31.

mind was produced in the wake of the Supreme Court's desegregation decision. Critics of this holding—including, remarkably enough, a number of respectable lawyers—were quick to claim that the judges were making their own policies, and to state that the decision was based not on "law" but on judgments in the sociological and psychological realms. Such an argument not only discloses a disposition to put the doctrine of *stare decisis*, rule by precedent, in a position of overbearing preeminence. It signally demonstrates, as well, a refusal to recognize that any and every decision, even an acceptance of precedent, constitutes some sort of policymaking—that, as sociologists have known at least since Weber's time, inaction is one of the forms of human action.

While nobody would deny that law produces more regularity than (by definition) anarchy, there is too little recognition of the fact that, strictly speaking, a statement of "the law" on any issue (at least in a common-law country) tends to be merely a statement of what courts have done in the past or a prediction of what a particular court in a particular case might decide in the future. As modern philosophy of science emphasizes, the validity of any such predictive statement, or posit, cannot be asserted in terms of its certainty, but only in terms of its probability.

Adherents of the legal-logic approach often deny that divergent decisions by different courts on the same question invalidate the idea of rule predictability; the rules and hence the "legal rights" still exist, even where particular courts fail to recognize them. The late Judge Jerome Frank, in support of his assertion that this "belief in the continued aliveness of legal rights which are dead in fact has no place except in a world of magic," appropriately cites Alfred Schutz's example of Don Quixote's joust with the windmills.⁷ When his "giants" act like windmills, Quixote refuses to submit to the "explosion of his experience." By claiming that the giants were transformed into windmills at the last minute, he

⁷ Alfred Schutz, "On Multiple Realities," in *Philosophy and Phenomenological Research*, vol. 5 (1945) p. 557. The relation between such fantasy-world and rule-logic illusions is elaborated by Jerome Frank, *Courts on Trial* (Princeton 1950) p. 65.

has "withdrawn the accent of reality from the world of working and has bestowed such an accent upon the world of his imageries." The important step in moving from legal magic to the world of legal reality is to investigate what actually happens in the court trial of a criminal case.

II

In the courtroom we are confronted with definite manifestations of human social action; the past and present behavior of the persons involved is, to use Max Weber's phrase, related to and oriented to the behavior of others. In a sense the courtroom may be viewed as a microcosm of the larger social world in which human beings exist, act, and interact. That the action reconstructed in court and the action-process of reconstruction are meaningful and purposive, that they involve subjective as well as objective meanings, and that they significantly hinge on human goals, purposes, and motives becomes at once apparent. If some juridical writers envisage a mere mechanical application of formalized law, the participants in the ordinary court trial of a criminal case are involved in more mundane practices.

The combative nature of the American jury trial—with its numerous trial tactics and its typical battle of the expert witnesses—is well known. If it is assumed that the purpose of the court trial is to determine facts and apply the proper law, this aura of contest raises a serious obstacle to the attainment of accuracy. While Felix Cohen correctly recognized that "the tolerance that is institutionalized in a judicial system geared to hear two sides in every case" is "a major step in man's liberation from the tyranny of word magic,"⁸ it may well be that this humanitarian boost to justice is outbalanced by the distorting effects of the ensuing battle for victory.

There are numerous other factors that inhibit accurate deliberation in criminal trials. As Frank has pointed out, "facts"

⁸ Felix S. Cohen, "Field Theory and Judicial Logic," in *Yale Law Journal*, vol. 59 (1950) p. 242.

as established in legal cases are actually guesses, and the fact "finders" really make rather than find the facts: hence the crucial fallacy in the attempt to construct a logic of rules, which would merely involve applying the right rule once the facts were found. To embody the judicial process in the formula R (rule) \times F (facts) = D (decision) is "two-dimensional legal thinking." In actuality a third dimension (s) is evident, that on which the facts are subjectively determined (that is, they are really sF , not F); hence $R \times sF = D$. The elements of chance and subjectivity that adulterate the presentation of evidence are numerous—ranging from outright perjury to honest mistake, from careless or biased testimony to negative impressions caused by missing evidence or unavailable witnesses. And not only is the presentation of facts subject to uncertainties, but also the would-be fact finders' perception and interpretation of this presentation fall prey to subjectivity: "as silent witnesses of the witnesses, the trial judges and juries suffer from the same human weaknesses as other witnesses."⁹

These reservations apply to any fact finders, be they judges or juries. Ordinarily, however, in American criminal trials the jury is supposed to decide the "questions of fact" and the court instructs on "questions of law" (that this is a highly tenuous distinction is evidenced by the legal jargon "mixed questions of law and fact"). Thus the jury system as such presents other obstacles besides the aforementioned difficulties of subjectivity. The jurors are in no sense especially equipped to get at the "facts," and some evidence that might actually help in the search for facts is barred, primarily because there is believed to be a danger in letting the jury hear it (for example, hearsay). Moreover, the jury may be particularly likely to succumb to certain emotional reactions; for example, the jury verdict, especially in cases of major violent crimes, may to a high degree represent a collective embodiment of the urge to punish, which modern psychology tells us plays such an important role in the administration of criminal justice. Likewise, in trials

⁹ Frank (cited above, note 7) p. 22. For Frank's complete development of these points see his Chapter 3 ("Facts are Guesses") and Chapters 6-9.

where the defendant's alleged crime is one of political deviation, the jury may easily permit what Kirchheimer has termed the "collective translation from the isolated fact of yesteryear to the political reality of today."¹⁰ Then too, the jurors know nothing of law, and cannot be expected to understand the instructions "as to the law" that the judge delivers to them after they have heard the evidence.

In all this it is evident that the decision of the "trier of fact" (and this is particularly true in the jury trial) tends to be a gestalt response to the case and trial as a whole. By way of analogy Frank mentions a melody, which exists not as a careful summation of parts but rather as one single unity. Put in other terms, the decision of a trial court is reached *monothetically*, or in one unified realization; only the subsequent written opinion, rationalizing the decision, is built up *polythetically*, point by point. Another American judge has admitted that when a decision was difficult he would primarily rely on "the hunch — that intuitive flash of understanding which makes the jump-spark connection between question and decision, and at the point where the path is darkest for the judicial feet, sheds its light along the way"; it is only after reaching a decision in this manner that the judge "enlists his every faculty and belabors his laggard mind, not only to justify that intuition to himself, but to make it pass muster with his critics."¹¹

The process of judicial rationalization, then, must largely be one of fitting such "facts" as have been subjectively arrived at into an available and respectable category of legal definition and precedent (from the diverse ranks of which the jurist can often draw items to support almost any decision), in such a way as to permit the decision-maker to implement or express his "hunch" or basic feeling about how he should decide the case. If, as Hutcheson

¹⁰ Otto Kirchheimer, "Politics and Justice," in *Social Research*, vol. 22 (Winter 1955) p. 392.

¹¹ J. C. Hutcheson, Jr., "The Judgment Intuitive: The Function of the 'Hunch' in Judicial Decision," in *Cornell Law Quarterly*, vol. 14 (1929) p. 274, as quoted by Morris R. Cohen and Felix S. Cohen, eds., *Readings in Jurisprudence and Legal Philosophy* (New York 1951) pp. 469, 471.

suggests, hunch may be the gist of the process by which judges — so often thought of as depositories of the law — reach decisions, we must surely suppose that the legally untrained jurors, to an even greater extent, fall back on subjective interpretation.

Acceptance of the fact that judicial rationalization is not the major step in the decision-making process, but rather is secondary to the subjective determination, led Frank finally to suggest the need to develop "fourth-dimensional legal thinking" that would take into account the trial court's gestalt. With this in mind, the only realistic formula for the judicial response becomes S (stimuli) \times P (personality of the fact finder) = D (decision). But unfortunately such a formula, as Frank recognizes (pp. 182-83), "has little value for predictive and critical purposes."

III

As already noted, a criminal trial and the events that called it forth fall within the general realm of social action. In the typical American criminal trial the jury is the "trier of the facts." Since these "facts" are elements of social action, and since systematic understanding of social action is the task of social science, it is perhaps not too far afield to suggest that our current trial system imposes on the juror, in some measure, the role of social scientist.

In one sense the jury's task is analogous to that of the historian, who, after weighing various bits of evidence, must present a narrative or reconstruction. From this standpoint problems of the time structure of social action are highly relevant. The action that must be described by the jury's findings of fact cannot be grasped by the jurors in the vivid present. Nor can they expect adequately to "put themselves in the place of" the persons involved in the alleged crime. A jury "view" of the scene of the alleged crime, courtroom "reenactment" of past events, and admission of "dying declarations" are attempts to achieve a successful reconstruction. But invariably the process is largely second-hand. Some persons crucially involved are no longer alive. Witnesses, even discounting deliberate falsification, are, as noted above, uncertain

transmitters of evidence. In almost all cases, and particularly where the trial is long delayed, a witness testifies not to the "just past" but rather to the distant past. These are, then, in phenomenological terms, *recollections*, not *retentions*. Logical models for judicial decision seem to ignore the historical nature of the judicial process and the attendant time-structure problems. Similarly, such models inadequately take into account the extent to which the attempt at objective reconstruction almost inevitably tends to give way, as suggested above, to a combination of hunch and rationalization.

From a slightly different viewpoint, the juror's role is analogous to that of the scientific social observer, that is, the sociologist or cultural anthropologist. While the supposed purpose of the trial process is historical reconstruction, a major element in the jury's determination must be its appraisal of the trial process itself — for, though the events sought to be reconstructed indeed occurred in such and such a way (regardless of what happens at the trial), the trial is the jury's only vehicle for such reconstructing. As a result, the effective juror must fully understand the social action displayed before him, the actions and interactions of those participating in the trial. It is particularly important that the juror should analyze the motives, purposes, and "subjective meanings of action" of the participants.

Whether the ordinary juror is capable of doing this is quite another question. The scientific observer, the social scientist *qua* scientist, relies heavily on the "value-free" aspect of his position. He seeks to step out of his role as actor in the social world and to view the problem or unit of study from "outside": "by establishing the life-plan for scientific work—the social scientist detaches himself from his biographical situation within the social world."¹² It is interesting that, theoretically, the selection of jurors is geared to selecting value-free observers. Any opinion on the case or on the type of problem involved in the case will serve to disqualify the

¹² Alfred Schutz, "Common-Sense and Scientific Interpretation of Human Action," in *Philosophy and Phenomenological Research*, vol. 14 (1953) p. 29.

prospective juror. (Actually, of course, we know that the selection proceeds on radically different grounds, each attorney scrupulously dedicated to the selection of those jurors whose value systems will most favor his client's cause.)

Yet the problems involved in observing social action are prodigious for even the value-free student: "Under all circumstances, it is merely the manifested fragments of the actions of both partners that are accessible to his observation. In order to understand them the observer has to avail himself of his knowledge of typically similar patterns of interaction in typically similar situational settings and has to construct the motives of the actors from that sector of the course of action which is patent to his observation." The social scientist, even so, brings to his task a large stock of knowledge, including the corpus of his science (involving, among other things, its method), and "This stock of knowledge is of quite another structure than that which man in every day life has at hand."¹³

Further complicating the juror's role is the aforementioned combat of the trial, which makes it almost impossible for the juror to remain detached. Indeed, in a way he becomes a participant or participating observer; though he remains essentially passive the entire action of the trial is directed to him. While this one-way communication may not be sufficient to place him within a scheme of interaction, it should be enough to influence him strongly. The juror as observer stands at one extreme of a continuum of types of observers, the other extreme being the unobserved or disguised observer; in the juror's case, *all* the behavior observed is affected, "put on" for his benefit. It is perhaps not surprising then, in the light of all these difficulties, that the eminent criminologist Hermann Mannheim says of the system of trial by jury: "Almost its only consoling feature is the thoroughness of its decline."¹⁴

¹³ *Ibid.*, pp. 20, 31.

¹⁴ Hermann Mannheim, *Criminal Justice and Social Reconstruction* (New York 1946) p. 246.

IV

Keeping in mind this interpretation of what actually happens at the ordinary trial of a criminal case, what kinds of statements about probabilities and prediction can be applied to the judicial process? Different questions arise in connection with different purposes at hand in viewing the process of decision. One important approach would involve testing the "accuracy" of a particular court decision: how good a "guess" (the term "prediction" would not apply to such an estimate of past action) did the jury make as to what the "facts" actually were? But the practical impossibility of subjecting any particular decision to a really decisive empirical test is obvious. Only a few people, at best, know what the past "facts" actually were, and some of these people very likely have a stake in preventing an accurate estimate of the past situation. An attempt to reconstruct the past action through the development of non-testimonial, "objective" evidence can be only a poor second-best. Indeed, if there were some way of scientifically knowing what happened in any particular "past" in question, we could entirely dispense with court trials as fact-finding instruments. Are there still, though, possibilities for fairly accurately testing particular decisions?

A notion such as Carnap's Probability₁ — the degree of confirmation — might conceivably be useful in this regard.¹⁵ In attempting to apply such a concept to judicial decision, it may be helpful to take a particular criminal offense and to note some of the possible judicial findings. The offense of homicide is, I think, particularly suited to demonstrate some of the extreme difficulties involved in validating or confirming any judicial decision.

The number of factors that might enter into a decision in any particular homicide case is, of course, virtually infinite. We might consider first, though, a general range of "legal possibilities," that is, possible decisions or legal "definitions." These range from a finding, at one end of the continuum, that nothing happened that

¹⁵ Rudolf Carnap, "The Two Concepts of Probability," in *Philosophy and Phenomenological Research*, vol. 5 (1945) p. 517.

might be termed a crime to a finding, at the other end, of first-degree murder. And in conjunction with this set of possible legal conclusions are other types of conclusions having to do with the subjective states of persons involved, chiefly the person alleged to have committed the offense. A glance at these terms, the complex everyday meanings of which are rendered even more confusing by specialized legal meanings, indicates the highly complicated nature of the "guess" the jury must make:

POSSIBLE FINDINGS IN HOMICIDE TRIAL

<i>"Legal Possibilities"</i>	<i>"Subjective States"</i>
Nature of Occurrence; Defendant's Involvement	
Nobody, in fact, killed	
Defendant not involved	
Defendant caused the death	
Type of Homicide	
Excusable homicide (self-defense)	Who is the aggressor? etc.
Involuntary manslaughter	No "criminal intent"
Voluntary manslaughter	"Provocation" (heat of passion)
Second-degree murder	"Malice aforethought"
First-degree murder	"Willful, deliberate, and pre-meditated"

In trying to cope with this imposing array of conclusions, our criminal-law machinery provides certain devices we may term "fact narrowers." These are of two types. Use of one type, which includes such rules and procedures as the *corpus delicti* and causation requirements, reliance on eye witnesses, testimony of expert witnesses, and the admission of various sorts of scientific evidence, involves an honest attempt to determine the past "facts" (including subjective states). The second type of narrower, exemplified by the felony-murder and misdemeanor-manslaughter rules, does not relate to discovering exactly what happened (at least in terms of subjective states); instead, in certain circumstances it dispenses with the necessity of determining the relevant subjec-

tive state. A third type, one that is more general in nature and whose operation has often been open to criticism, is represented by the rules against opinion and hearsay.

What can the use of the fact narrowers tell us about confirmation or confirmability of judicial criminal decisions? It seems clear that, whether one has reference to the various legal "possibilities" or to the several subjective states, the only statement that could possibly receive a maximum confirmability would be the statement that the true past facts fall somewhere within the total range of alternatives. Some of the narrowers discussed above are presumably used to show that some of the alternatives could not have occurred, and thus to limit, for purposes of reconstruction, the possibilities as to what did happen. Yet even superficial analysis shows that none of the narrowers is sufficiently based on empirical data to really do this.

For example, one of the most effective of these possibility eliminators is the *corpus delicti* requirement; it certainly seems that the possibility that no "crime" was committed might fairly easily be eliminated (or established). But even in homicide cases, "producing the body" falls far short of doing this. And in other crimes (the crime of arson, for example, comes to mind), establishing the *corpus delicti* is a cumbersome task, even for skilled investigators. The other devices for ruling out segments of the possibility ranges are even less efficient. Reports of "eye witnesses" (while perhaps preferable to second-hand reports) are notoriously shaky evidence. The felony-murder rule, and its counterpart the misdemeanor-manslaughter rule, are purely arbitrary legal fictions which, rather than improving fact-finding, merely eliminate some of its burden. Expert witnesses, particularly psychiatrists, might conceivably be a great help, but the well known battle of experts has greatly impaired the usefulness of such testimony. The juror can only view with horror and confusion the spectacle of two reputable psychiatrists, one convinced the defendant is "sane," the other staunchly maintaining the defendant's "insanity." Thus, faced with realistically appraising the work of some criminal-law possi-

bility narrowers, we can only conclude that attempting to confirm scientifically the justness (fitness with the facts) of particular decisions is, given the present system, hopeless.

But modern trends in criminal law create some hope for increasingly accurate reconstruction. While subjective states have always been of importance in criminal-law theory — as shown by the key requirement in most instances that the defendant must have acted with criminal intent, with a "guilty mind" — this importance has been steadily increasing, to the point where the question of such states of mind is dealt with on a much more clinical level than that already mentioned. Not only is there increased interest in liberalizing the general concept of responsibility, but also we may be moving from a symptomatic (based on the acts involved) to a functional-developmental (based on the offender's personality type) classification of offenders.¹⁶ Under such a scheme as the latter, once certain facts were found (that defendant killed someone, for instance) the emphasis would shift from a further search into past facts (such as nature of defendant's "intent") to a general investigation of his present mental condition. Advances in psychiatry and psychology might promote the chances of "accuracy" in such diagnoses. Of course, the lay juror would be totally incompetent to render this sort of decision.

A second type of probability problem arises when we try to make generalizations ahead of time about the probability of certain kinds of cases being decided a certain way. Here the purpose at hand is different; we are no longer concerned essentially with the "justice" of a decision. Instead we look merely to what is going to happen, probably with some sort of strategic consideration in mind. For example, the trial lawyer is surely interested in what effect his tactics may have on the way the case is decided. Or the lawmaker or social-policy-maker may wish to determine the value of a law

¹⁶ See R. C. Donnelly's article, "George Dession," in *Journal of Criminal Law, Criminology and Police Science*, vol. 46 (1956). Professor Donnelly notes: "An 'arsonist,' for example, is a symptomatic classification. But he may represent any one of several quite unrelated clinical patterns and may even be essentially a sex offender" (p. 772).

or policy on the basis of the judicial results that are expected to follow.

With such purposes in mind we may unearth some regularities in the judicial process that can be put to working use. Certain variables may be isolated in such a way as to offer some predictability for certain types of judicial situations. It may be, for example, that personality studies of judges (witness certain studies by Harold Lasswell) and of jurors could help us predict how they might decide in particular instances. Similarly, sociological inquiry may unearth useful correlations between such factors as social status of jurors and their decision-making. Underhill Moore, attempting to apply Clark Hull's behavioristic psychology to legal situations, showed that study of local cultural influences on the litigation-decision process may be worth while.¹⁷ But in any attempt to rely on such isolated variables in the judicial process, the necessity of adopting a broad assumption of *ceteris paribus* must be a severe limitation on the meaningfulness of results. In any particular case, where "all other things" may have vital significance in determining the decision, it seems foolhardy to attempt prediction on the basis of "other things being equal."

In the broader field of legal policy, some techniques and concepts may enable us to effectively plan law according to the values we wish to further. This is not to suggest that the legal scientist should try to prove what goals are "right." As Felix Kaufmann has written, stating the argument of the "pure theory of law": "The law, as the jurist understands it, is not a state of affairs of a particular kind but a body of propositions of specific character (norms), the 'normative validity' of which cannot be derived from facts. The 'is' and 'ought,' Kelsen says, 'lie in different planes.'"¹⁸

Nevertheless, the legal-policy-maker can benefit greatly from a clarification of ends sought to be achieved and from an evaluation of the effectiveness of present and alternative means in achieving

¹⁷ See F. S. C. Northrop, "Underhill Moore's Legal Science: Its Nature and Significance," in *Yale Law Journal*, vol. 59 (1950) p. 196.

¹⁸ Felix Kaufmann, *Methodology of the Social Sciences* (London and New York 1944) p. 209.

such ends. Presumably it was partly with this in mind that Lasswell and McDougal called for a "policy-oriented" approach to legal problems: "Unlike logical or scientific thinking, policy-thinking is not primarily contemplative and passive; it is goal-thinking and provides criteria for the selection of arguments as well as for the control of other pertinent factors. It is developmental, unifying preference and probability."¹⁹ Essentially, this approach would apply to law the technique developed for the realm of economic analysis by Lowe, which he has termed "instrumental analysis."

v

By way of conclusion, it should be stressed that none of the aforementioned avenues to legal science is a completely blind alley. Even rule-logic can play an important role, in testing a decision's logical fitness to the "facts" *as found*. If a decision resting primarily on a hunch cannot be rationalized in a way that follows logically from the found facts, reconsideration of the hunch may be necessary. But the careful criminal-law logician will, for such purposes, use only the hypothetical syllogism as opposed to the categorical form — for in criminal justice it is the "ifs" that are the crucial element.

Equally important is a constant reexamination and (where necessary) reformulation of the postulates used in judicial logic. As Lowe puts it: "To make deduction applicable to reality, we must in each case first assess, by methods of induction, the order of data ruling in the particular situation. Only then are we in a position to select from our catalogue of hypothetical deductions the one that comes closest to the actual constellation."²⁰ The examination of postulates is gradually eliciting some recognition of the uncertainty of the supposed axioms underlying much of our

¹⁹ Harold Lasswell and Myres McDougal, "Legal Education and Public Policy: Professional Training in the Public Interest," in *Yale Law Journal*, vol. 52 (1943) p. 243.

²⁰ Adolph Lowe, "The Classical Theory of Economic Growth," in *Social Research*, vol. 21 (Summer 1954) p. 130.

present criminal-law theory. The lack of concern in American criminal law with "motive," the presumption that a person intends "the natural and probable consequences of his acts," the distinction between "mere preparation" and "attempt," and even the vaunted "principle of legality," are rapidly coming under fire. To the extent that analyses of legal logic lead to such constructive questioning they may be highly profitable.

Even more helpful may be studies of a sociological nature, as alluded to above. Ehrlich's dictum that "the center of gravity of legal development lies not in legislation, nor in juristic science, nor in judicial decision, but in society itself"²¹ serves as a reminder that criminal-law reality is essentially social reality and must be treated as such. Study of the "living law" as well as the "positive law," particularly with a view to clarifying means and ends, can be particularly worth while.

To recognize that the judicial process may fall largely within the realm of the ideographic rather than that of the nomothetic, that the reality of criminal law is social reality irreducible to de-humanized objectivity, is not cause for extreme pessimism. Rather, such recognition serves to put studies of criminal justice in their proper methodological perspective, to emphasize the value of studying the underlying human purposes and meanings attached to the action under study, and to stress the importance of the investigator's purpose at hand in shaping the type of analysis that will be most fruitful. While we must acknowledge severe obstacles to achieving a truly empirical legal "science," the very acceptance of such limitations may pave the way for increased understanding of the process of criminal justice as a segment of human action in the social world.

²¹ Eugen Ehrlich, *Fundamental Principles of the Sociology of Law*, translated by W. L. Moll (Cambridge, Mass., 1936) Foreword.

THE WORLD OF THE FOUNDING FATHERS*

BY SAUL K. PADOVER

Who They Were

THE Founding Fathers were the group of men who created the American Republic. They were active during the last quarter of the eighteenth and the first decade of the nineteenth century. For purposes of historic orientation one may date their epoch as, roughly, 1774 to 1809—the former being the year of the First Continental Congress, and the latter the end of Jefferson's Presidency. While a number of the Founding Fathers continued to play important roles beyond 1809—notably Madison and Monroe as Presidents, Marshall as Chief Justice, and Gerry as Governor—nevertheless, the great and lasting work of creation was finished by that date. In 1809, when Madison was inaugurated President, some two-thirds of the leading Founding Fathers had already died, and the United States, securely established by Washington and firmly democratized by Jefferson, was well launched on its meteoric career.

There were three major spheres of action in which the Founding Fathers participated. First, there was the American Revolution and the events preceding and following it. This involved participation in the Continental Congresses, which, particularly under the Articles of Confederation, waged the War of the Revolution and gave the thirteen colonies the only cohesion they had at the time. This phase began in 1774 and ended thirteen years later, when George Washington was inaugurated Chief Executive of the new federal union. Secondly, there was the Constitutional Convention of 1787, and the struggles of the subsequent year,

* AUTHOR'S NOTE—This essay is from a book entitled *World of the Founding Fathers*, to be published shortly.

during which the defenders of the new instrument of government had to battle for its ratification against a hostile public opinion and an organized opposition that was particularly formidable in the populous states of Massachusetts, New York, and Virginia. It was during this period that the *Federalist* was written in defense of the Constitution—and it still remains America's great classic of political science. Finally, there was the establishment of the federal government, in April 1789, which laid down the basic rules and precedents to guide the new Republic and which, indeed, created the American nation.

These were accomplishments of the first magnitude, and they were the work of a relatively small number of individuals. While obviously thousands of patriots fought the battles and were active in local political affairs, the leadership and guiding ideas were supplied by only a few hundred. These were the men who took bold steps and made the fundamental decisions in the fields of politics and institutions. They led the movement for independence, waged the Revolutionary War, carried on the diplomatic negotiations, codified the laws, administered the state governments, dispensed justice, hammered out the federal Constitution in Philadelphia, wrote and spoke brilliantly (and sometimes foolishly) for and against it, and set up the federal union in the face of widespread skepticism and even hostility.

The great and historic acts of the time required public signature, and this gives us a clue as to numbers and identities. From the signatures of the three major documents that went into the creation of the American union we get a veritable Who's Who of the period. There were altogether 142 of them—55 on the Declaration of Independence, 48 on the Articles of Confederation, and 39 (out of 55 appointed delegates) on the federal Constitution. But many of these are the same names. At least two—Robert Morris and Roger Sherman—signed all three documents, and a number of others two of them. Half a dozen signers of the Declaration of Independence also signed the federal Constitution eleven years later, and another two attended as delegates but did

not sign it. At least fifteen of the Declaration's signers also signed the Articles of Confederation.

Altogether, a list of 100 names, without claiming inclusiveness, would give an approximate idea of the number of Founding Fathers who were most active and prominent in the fields of political organization, military affairs, oratory, writing, diplomacy, administration, and jurisprudence. This roster includes the individuals whose political activities—as members of Congress, or judges, or governors, or Cabinet officers, or diplomats, or Chief Executives—extended over a number of years.

Who were these men who founded a nation and to whom an English literary Tory, Samuel Johnson, once referred as "a race of convicts" who "ought to be thankful for anything we allow them short of hanging?" Were they a body of extraordinary individuals? Were they geniuses? Was there something unique about them? The answer is not to be found in any extremes. A few of the Founding Fathers, to be sure, were towering figures to whom the term genius has been applied; in this connection Franklin, whose reputation as a philosopher and scientist was international, Jefferson, who was unknown when the Declaration of Independence was written, and Washington, who became world-famous after the American Revolution, come most easily to mind. Others were persons of uncommon talents as thinkers, writers, or orators; here one may mention men like the two Adamses (the third, John Quincy, born in 1767, was too young during the great events of the American Revolution to qualify as a Founding Father), Dickinson, Hamilton, Henry, Madison, Marshall, Mason, Rush, and Wilson. These were persons of great ability, endowed with gifts that ranged from action to articulateness.

But the great majority, possibly four-fifths or more, were not particularly outstanding men. They were, rather, persons of generally average ability and character. Their conspicuous characteristic was a willingness to assume responsibility for public affairs, and the fact that they had the opportunity to do it made

them leaders in their states and communities. What they had in common with the great leaders was an education founded on the classics and imbued with moral values. In fundamental matters, such as those related to individual behavior and ideals of justice, theirs may be truly described as "one world." In the realm of values, as then defined and accepted, there was no difference between the great men and the lesser ones, or, for that matter, between the leaders and the led. Differences prevailed primarily in the area of methods and objectives.

In general, the Founding Fathers were what one may call solid citizens, respected by their neighbors, usually of good family and well-to-do. Of the signers of the Declaration of Independence, the Articles of Confederation, and the federal Constitution, nearly half were lawyers and at least fifteen were businessmen, of whom the wealthiest was Robert Morris. Five were physicians, the most eminent of them being the medical pioneer Benjamin Rush; and sixteen, among them the learned and brilliant James Madison, had no profession other than politics. Some, like Samuel Adams (not to mention Thomas Paine, who was altogether a special case), were impecunious; and others, like Gouverneur Morris and Rufus King, were wealthy. Several, notably the Southerners, owned large plantations. Washington, Mason, and Jefferson, for example, were great landowners—which, in those days, made them rich in acres but poor in money, an economic phenomenon that goes far to explain the long-drawn conflict between the mercantile-minded Northerners and the agrarian Southerners. As Jefferson, who in the later years of his life was faced with bankruptcy, put it in a letter to William Duane (March 28, 1811): "The truth is that farmers, as we all are, have no command of money. Our necessities are all supplied, either from our farms, or a neighboring store. Our produce, at the end of the year, is delivered to the merchant, and thus the business of the year is done by barter, without the intervention of scarcely a dollar; and thus also we live with a plenty of everything except money."

At the time of the signing of the historic documents, the

Founding Fathers were not hot-headed young revolutionists but men in the prime of life. Indeed, there was only one old man among them—Benjamin Franklin, who was conspicuous, among other things, for his advanced age. He was 70 years old when he signed the Declaration of Independence and 81 when he put his name to the Constitution. But his colleagues and collaborators were younger by at least one generation and, in a few instances, by two. While one of the signers of the Declaration, John Rutledge, was 27 and a few were in their early 30s (Rush was 31, Gerry 32, Jefferson 33), the average age was 44. The same was generally true of the delegates to the Constitutional Convention, of whom only two, Jonathan Dayton and Charles Pinckney, were in their 20s. Some of the most vigorous participants in and contributors to the Constitutional debates were young men in their 30s—notably Rufus King who was 32, Edmund Randolph 34, Gouverneur Morris 35, and James Madison 36—but most of the delegates were in their early middle age, averaging slightly under 45.

The majority of the Founding Fathers were native born, almost entirely of British (including Irish) stock. Of the signers of the Constitution, seven,¹ or 18 percent, were born abroad, but of British origin. This, of course, was a reflection of the colonial population, whose dominant strain was, and for a long time continued to be, Anglo-Scotch-Irish. When the Scotch-Irish Historical Society was organized in 1889, a century after the inauguration of George Washington, it laid claim to a whole galaxy of American leaders—Thomas Jefferson, John Marshall, Patrick Henry, James Madison, John Witherspoon, John Paul Jones, Andrew Jackson, James Polk, James Buchanan, Horace Greeley, Abraham Lincoln, and Ulysses Grant. A speaker then described these Scotch-Irish founders and builders of America as a "race

¹ Pierce Butler (Ireland), Thomas Fitzsimmons (Ireland), Alexander Hamilton (British West Indies), James McHenry (Ireland), Robert Morris (England), William Paterson (Ireland), James Wilson (Scotland). Another English-born delegate to the federal Convention was William R. Davie, but he did not sign the Constitution. William Jackson, the secretary of the Constitutional Convention, was also born in England.

that has the strong will, religiosity and shrewdness of the Hebrew, the philosophic profundity of the German, the political sagacity and conservatism of the English, and withal, when need be, the audacity of the French."

Nearly half of the Founding Fathers came from Massachusetts, New York, Pennsylvania, and Virginia, which is understandable in view of the populousness of those four states. But what is striking is the preponderance of Virginians among the leaders. Not only did four of the first five Presidents come from Virginia, but also the greatest Chief Justice of the United States Supreme Court, as well as some of the most brilliant jurists and writers on the subject of democracy—Wythe, Mason, and Taylor, among others. Virginia's outstanding leadership may be partly, but only partly, explained on the ground that it had a well established aristocracy, many of whose members cherished culture and had the leisure for the pursuit of politics and ideas. Thus Pendleton and Madison were men of immense learning, Jefferson had the finest private library in the South, and Edmund Randolph was a classicist who "loved poetry as a kinsman of Thomas Randolph, the boon companion of Shakespeare and Ben Jonson, was bound to love it."²

Intellectual Background

Homogeneous in ethnic origin and language (the German-speaking Pennsylvania Dutch were a relatively small group of newcomers who did not exert a major influence on the colonies as a whole), the Founding Fathers also had a common culture and world outlook, particularly in regard to the legal ideas and political institutions of England. But they were shaped by a number of other influences, both new and old. In the eighteenth century a number of forces amalgamated to form here a new civilization and what Hector De Crevecoeur called "a new man, who acts on new principles. . . —an American."

² Among the descendants of Virginia's ramified Randolph family were Thomas Jefferson and John Marshall.

The immediate environment was, of course, the wondrous American world, rich in land, teeming with wild life, the wilderness lying just beyond the door and always beckoning. This frontier world exerted its own peculiar pressures and helped to create new attitudes, mostly in the direction of fierce independence and personal freedom. In addition, the prevailing intellectual climate was that of the eighteenth-century Enlightenment, with its emphasis on reason and demonstrable scientific truth, which gave force and philosophic meaning to the daily experiences of this emerging new man—the practical, sensible, down-to-earth, energetic doer and builder: the American.

Underlying these influences were those of an older world. To an extent not always realized even by themselves, the Founding Fathers were educationally and spiritually the children of antiquity. Educated in the classics and nourished on the Bible, they moved, so to speak, between the two poles of Plato and Protestantism. Their formal education, and consequently their lifelong orientation, were built on the granite foundation of the classics. All the educated men of the time knew Latin and Greek, and some, like James Madison, also Hebrew. A number of them, John Adams and Jefferson for example, found keen pleasure in their ripe years in reading the classic authors in the original, even discussing learnedly the fine points of Greek pronunciation and accent.

Even those who had no formal education would refer to classic writers or historic personalities in their writings and conversation. Franklin, who was self-taught and "fond of reading," seems to have read, as judged by the references in his writings, Cicero, Epictetus, Herodotus, Horace, Plato, Pliny, Pythagoras, Sallust, Seneca, Tacitus, and Xenophon. Similarly, George Washington, a man of little schooling and not ordinarily given to literary references in his correspondence, showed an awareness of antiquity. Once, in a letter to Lafayette, he discussed the relation between poets and heroes—the "Antient Bards who are both the priest and door-keepers to the temple of fame"—and gave the following

illustrations from the classic period: "Alexander the Great is said have been enraptured with the Poems of Homer, and to have lamented that he had not a rival muse to celebrate his actions. Julius Caesar is well known to have been a man of a highly cultivated understanding and taste. Augustus was the professed and magnificent rewarder of poetical merit—nor did he lose the return of having his achievements [sic] immortalized in song. The Augustan Age is proverbial for intellectual refinement and elegance in composition; in it the harvest of laurels and bays was wonderfully mingled together."

The writings of the more learned and formally educated Founding Fathers are replete with citations from and references to personalities of antiquity. In James Madison one finds mentions of the outstanding classical writers, such as Plato, Plutarch, Polybius. *The Federalist* refers to classical persons from Cato to Zaleucus, including Draco, Lycurgus, Numa Pompilius, Servius Tullius, Solon, and Socrates. Indeed, Alexander Hamilton was in the habit of using classical pseudonyms in his polemical writings—"Camillus," "Pacificus," "Publius." Dr. Benjamin Rush, whose primary occupation was medicine and who hated the classic languages, easily peppered his letters with references to Aristotle, Caesar, Cato, Demosthenes, Juvenal, Livy, Lucretius, Ovid, Plato, Sallust, Tacitus, Terence, and Xenophon. In the writings of John Adams and Jefferson, particularly in the letters they exchanged with each other, references to classic names are so frequent and full as to amount to a roster of the giants of antiquity. In addition to the names already mentioned, they cited or referred to Diodorus Siculus, Epicurus, Euclid, Euripides, Hippocrates, Homer, Lucian, Marcus Aurelius, Pindar, Quintilian, Suetonius, Theocrites, Theognis, Thucydides, Timaeus, Tully, Virgil, Vitruvius (of special interest to Jefferson, who was, among other things, a self-taught architect), and Zeno.

The classical philosophers, moralists, dramatists, orators, poets, essayists, and historians, as well as the history of antiquity, formed a basic part of the educational curriculum. A knowledge of, or at

least familiarity with, their work and ideas was, so to speak, the earmark of a learned gentleman of that period. In April 1785, when John Adams, then in Europe on an American diplomatic mission, recommended his eighteen-year old son John Quincy, the future President, to Professor Benjamin Waterhouse of Harvard, he wrote about the youth's preparatory education as follows:

His studies having been pursued by himself, on his travels, without any steady tutor, he will be found awkward in speaking Latin, in prosody, in parsing. . . . In English and French poetry, I know not where you would find anybody his superior; in Roman and English history, few persons of his age. . . . He has translated Virgil's *Aeneid*, Suetonius, the whole of Sallust, and Tacitus's *Agricola*, his *Germany*, and several books of his *Annals*, a great part of Horace, some of Ovid, and some of Caesar's *Commentaries*, in writing, besides a number of Tully's orations. . . . In Greek his progress has not been equal; yet he has studied morsels in Aristotle's *Poetics*, in Plutarch's *Lives*, and Lucian's *Dialogues*, the choice of Hercules, in Xenophon, and lately he has gone through several books in Homer's *Iliad*.

Was all this ancient learning necessary? In the American schools the emphasis on the classics, especially on the study of the Greek and Latin tongues, was not seriously challenged until a later period. Then an expanding, and increasingly democratic, America began to have some doubts as to the classical curriculum. Were not the "dead languages" useless? Could not what was valuable in the classics be studied in easily available translation? Did not a study of Greek and Latin waste precious time that could be more usefully employed? These were some of the questions asked by pragmatic and impatient Americans, among whom was the eminently practical medical scientist, Dr. Benjamin Rush. In a letter to his classicist friend John Adams, written in October, 1810, Rush protested:

Hate on, and call upon all the pedagogues in Massachusetts to assist you with their hatred of me, and I will after all continue to say that it is folly and madness to spend four or five years in teaching boys the Latin and Greek languages. I admit a knowl-

edge of the Hebrew to be useful to divines, also as much of the Greek as will enable them to read the Greek Testament, but the Latin is useless and even hurtful to young men in the manner in which it is now taught. We do not stand in need now of Greek and Roman poets, historians, and orators. . . . Were every Greek and Latin book (the New Testament excepted) consumed in a bonfire, the world would be the wiser and better for it. . . . A passion for . . . the Roman and Greek classics may be compared to a passion for their coins. They are well enough to amuse the idle and the rich in their closets, but they should have no currency in modern pursuits and business of mankind.

But for the Founding Fathers the classics were, and for a long time after their period continued to be, the heart of the educational system. Their utility was defended on many grounds, intellectual, aesthetic, and historical. For one thing, the study of Greek and Latin called for disciplined application and led to the development of the habit of hard work early in life. For another, a knowledge of those languages gave pleasure. Jefferson, who considered the reading of the classic authors in the original "a sublime pleasure," said that he thanked on his knees those who had educated him and had put in his possession "this rich source of delight," which he would not exchange for anything that he had acquired since his student days. Thirdly, the classics were regarded as a model on which to shape one's literary taste and refine one's style. Finally, the ancient authors provided a common outlook, common points of reference, and a commonly shared experience, thereby creating an intellectually united world. An educated Founding Father on, say, a farm in South Carolina had no difficulty in communicating meaningfully with his contemporary in a counting-house in Massachusetts. No matter what their profession was, they had all benefited from the same ancient authors. In 1819 Jefferson wrote:

To whom are they [the classical languages] useful? . . . To the moralist they are valuable, because they furnish ethical writings highly and justly esteemed . . . ; the divine finds in the Greek language a translation of his primary code [the New Testament],

of more importance to him than the original because better understood. . . . The lawyer finds in the Latin language the system of civil law most conformable with the principles of justice of any which has ever yet been established among men, and from which much has been incorporated into our own. The physician as good a code of his art as has been given us to this day. . . . The statesman will find in these languages history, politics, mathematics, ethics, eloquence, love of country. . . . And all the sciences must recur to the classical languages for the etymon, and sound understanding of their fundamental terms. . . . To sum the whole, it may truly be said that the classical languages are a solid basis for most, and an ornament to all the sciences.

The classics of antiquity were the underpinning of an intellectual world that also drew heavily on certain later authors, primarily of the post-mediaeval period. It is significant that there was a thousand-year gap, that of the whole span of the Middle Ages, in the reading of the Founding Fathers. It extended virtually from Suetonius to Palladio, although there was an occasional mention of Aquinas and Bracton by the more learned eighteenth-century Americans. Like their West European contemporaries of the Age of Reason, the Founding Fathers considered the Middle Ages as "dark," hopelessly superstitious and benighted, and hence best relegated to oblivion. The New World, at any rate, had neither physical traces nor intellectual reminders of the Middle Ages, as Goethe, with a touch of envy, remarked in one of his poems:

Amerika, du hast es besser
Als unser Kontinent, das alte,
Hast keine verfallene Schlösser
Und keine Basalte.
Dich stört nicht im Innern,
Zu lebendiger Zeit,
Unnützes Erinnern
Und vergeblicher Streit.
Benutzt die Gegenwart mit Glück!

(America, thou art luckier than our ancient Continent, thou hast no ruined castles, and no basalts. Thou art internally untroubled,

living in the present, by useless memories and fruitless strife.
Make happy use of the present.)

The dominant post-classical authors, those most widely read and relied on as authorities, were the giants who ushered in the intellectual and scientific revolution in the seventeenth and eighteenth centuries. These men who transformed the Western world were mainly Englishmen and Frenchmen, with a sprinkling of Germans, Dutch, Scandinavians, and Italians. The scientists, jurists, and rationalists of the Age of Learning and the *philosophes* and *encyclopédistes* of the Age of Reason had the profoundest effect on the Americans, as indeed on the rest of Western civilization. In science, among the great figures known to the Americans were Sir Francis Bacon (1561-1626), who was also admired for his classic style; Gottfried Wilhelm von Leibnitz (1646-1716), who was a Latinist; Sir Isaac Newton (1642-1727), whose universally acknowledged genius impressed Jefferson with its "prodigality"; Carolus Linnaeus (1707-78), whose collected books on botany and natural history ran into 180 volumes; Comte de Buffon (1707-88), who read Franklin and was interested in the latter's experiments; and Joseph Priestley (1733-1804), discoverer of oxygen and other gases, founder of Unitarianism in America, and friend of many of the Founding Fathers. To these must be added a number of philosophers, particularly René Descartes (1596-1650) and Blaise Pascal (1623-62). In an epoch of intellectual unity, when reason was enthroned, the searchers after truth were not put into specialized categories, separating one from the other, at least in so far as students and serious readers were concerned.

Educated Americans, even when they were not specializing in science or philosophy, read Europe's intellectual pioneers in a spirit of universality. Reading, regardless of subject, was often a great pleasure, primarily because the writers were determined to please their public. Scientists and scholars alike were concerned with literary style—as can be seen in the works of Bacon, Voltaire, Hume, and Gibbon, among others. It was Buffon, the natural

scientist, who said that "style is the man himself" and insisted that only well written books "will pass on to posterity." His contemporary, the philosopher-psychologist Étienne de Condillac (1715-80), who wrote a whole series of *Traitées*, likewise felt that "beauty of style" was primary in a writer. Their works, therefore, had universal appeal, even among non-specialists. Thus James Madison, whose whole professional life was devoted to politics, once confessed "a little itch to gain a smattering of chymistry"; and when he ordered books to be bought for him in Paris, he asked for "Linnaeus' best edition" and added: "Of Buffon, I have his original work of 31 vols., 10 vols. of supplement, and 16 vols. on birds. I shall be glad of the continuation as it may from time to time be published."

In the fields of legal ideas and political theory, the American leaders of the eighteenth century were most deeply and lastingly influenced by about half a dozen men: as regards legal education, by Sir Edward Coke (1552-1634), Henry Homes (Lord Kames, 1696-1782), and Sir William Blackstone (1723-80); and in the realm of political thought, by Thomas Hobbes (1588-1679), John Locke (1632-1704), and Baron de Montesquieu (1689-1755). In addition, those who were interested in international law, a subject that acquired special importance during the Revolution and at least a quarter of a century thereafter, also studied Hugo Grotius (1583-1645), Samuel von Pufendorf (1632-94), and Emeric de Vattel (1714-67). The Founding Fathers who were engaged in international affairs could, when the occasion called for it, quote from *De jure belli et pacis* or *De jure naturae et gentium* or *Droit des gens* with the learning and aplomb of the best European diplomats of the age.

Dominant Political Influences

Of all the books on political ideas and institutions, by far the most influential were Hobbes' *Leviathan* (1651); Locke's *Letters on Toleration* (1689), *Treatises on Government* and *Essay Concerning Human Understanding* (1690); and Montesquieu's *L'Esprit*

des lois (1748). The latter in particular was phenomenally popular throughout the Western world; within eighteen months of its publication, twenty-two editions appeared, in most European languages.

What these three authors had in common was a rational approach to politics. They rejected mysticism and the long-prevailing notion of the state as divinely ordained. While they disagreed in their conclusions, they agreed in their fundamental premises: that men are of this world and that they are influenced by their ideas, including their passions and interests, and by their environment. Hobbes, whose basic assumptions about society were accepted by many Founding Fathers, among whom Alexander Hamilton was probably the most conspicuous, constructed his political analysis on the basis of a psychology that took for granted human hate, greed, and violence. Only a powerful state, the Leviathan, could keep the ugly human appetites in check. Without government, Hobbes wrote, human life is "solitary, poor, nasty, brutish, and short." Lest he be accused of exaggerating the nastiness of human nature, Hobbes drily reminded his readers that their own daily actions proved his contentions: "Let him therefore consider with himself, when taking a journey, he arms himself, and seeks to go well accompanied; when going to sleep, he locks his doors; when even in his house he locks his chests; and this when he knows there be Laws, and public Officers, armed, to revenge all injuries shall be done him; what opinion has he of his fellow subjects, when he rides armed; of his fellow Citizens, when he locks his doors; and of his children, and servants, when he locks his chests. Does he not there as much accuse mankind by his actions as I do by my words?"

Hobbes' philosophy of authoritarian government, as the only type that can restrain the evil elements in human nature, was not acceptable to the majority of the Founding Fathers and was not, therefore, incorporated in the federal Constitution. Nevertheless, Hobbesian thought colored American attitudes and permeated political speculation, as can best be seen in the debates of the

Constitutional Convention in 1787, where most delegates expressed a certain amount of skepticism about human nature, particularly in regard to the exercise of political power. Hamilton did *not* shock the federal Convention when he made a passionate plea for an aristocratic government (he actually would have preferred a monarchical one) on the ground that the human animal is too corrupt for self-rule. "The passions . . . of avarice, ambition, interest," he said, ". . . govern most individuals, and all public bodies." And he had Hobbes in mind when he told his fellow delegates: "Political writers . . . have established it as a maxim, that, in contriving any system of government, and fixing the several checks and controls of the constitution, *every man ought to be supposed a knave*; and to have no other end, in all his actions, but private interest. By this *interest we must govern him . . .*, notwithstanding his insatiable avarice and ambition."

Even so moderate a thinker as James Madison, whose political philosophy was in some ways Jeffersonian in its liberalism, accepted much of Hobbes. Madison, too, had no illusions about the human character and felt that it was unrealistic to construct a government on the foundation of man's good qualities. People had some decent qualities, he thought, and therefore they could be relied on—up to a point. On the whole, Madison, who more than any other single person was responsible for the ideological content of the federal Constitution, took a political position midway between the Hobbesian and the Jeffersonian, arguing basically that man should not be entirely trusted or completely rejected. Hence political institutions should be so constructed as to avoid full reliance either on human nature, with its known frailties and follies, or on governmental powers, which, being administered by mere human beings, were always liable to abuse.

Thus Madison, in common with most Founding Fathers, followed Hobbes in distrusting human nature but went beyond him in being equally distrustful of government, especially one with unchecked powers. Both man and government being imperfect, it was thought necessary to keep them in permanent restraint

through institutional contrivances known as "checks and balances." This regulatory political mechanism, the outgrowth of widespread lack of faith in the inherent goodness in man, was defended in a famous passage in *The Federalist* (No. 51), written by either Madison or Hamilton: "It may be a reflection on human nature, that such devices [checks and balances] should be necessary to control the abuses of government. But what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself."

Hobbes' psychology of pessimism, accepted by so many influential Founding Fathers, did not go unchallenged. Indeed, it was Locke who not only furnished a fundamental political theory, that of natural rights, but also a psychology that was potentially optimistic. In his *Essay Concerning Human Understanding*, Locke rejected the widely prevalent belief that ideas are innate, and argued instead that they are simply the product of experience, as registered in the mind through the senses. "Let us suppose," he wrote, "the mind to be, as we say, white paper, void of all characters, without any ideas; How comes it to be furnished? Whence comes it by that vast store, which the busy and boundless fancy of man has painted on it with an almost endless variety? Whence has it all the materials of reason and knowledge? To this I answer, in one word. From experience. In that all our knowledge is founded, and from that it ultimately derives itself."

Carried to its logical conclusions, this meant that people are not, as Hobbes argued, innately evil but that they are molded by their environment and their past. The implications of Locke's empirical position were far-reaching, particularly in a new country that was engaged in the pioneer effort of creating a new civilization. If men were the product of their experience, then

it was logical to assume that the creation of a good (socially desirable) environment would result in virtuous people. Other thinkers, such as the Scottish realists Thomas Reid (1710-96) and his disciple Dugald Stewart (1753-1828), and the two American college presidents, Samuel Johnson (1696-1772) of Columbia (then King's) and Madison's teacher John Witherspoon (1722-94) of Princeton, in one way or another emphasized the essentially Lockean view of the importance of the human faculties.

Here, then, we find the seeds of democracy, a political philosophy that is based on the fundamental assumption of human flexibility and, in consequence, of potential improbability. And here, too, we see a clue to an understanding of the protracted conflict between the Hamiltonians, who were at bottom Hobbesian pessimists, and the Jeffersonians, who in the last analysis had a Lockean optimism regarding the creative role of reason and sense.

Locke's theory of natural rights, which incidentally did not derive from his psychology, had the widest possible influence among the Americans of the eighteenth century. The theory, dependent on natural law, which Blackstone in his *Commentaries* said was "coeval with mankind, and dictated by God himself . . . binding over all the globe, in all countries and at all times," supplied the Founding Fathers with a matchless arsenal in the fight for independence. According to Locke, men in a pre-social state possess certain natural rights, the most important among them being the rights to "their lives, liberties, and estates, which I call . . . property." In entering a social state, that is, in forming a government, they voluntarily sacrifice some of their rights in order to gain protection for the remaining ones. If the rulers violate the natural laws, men, having freely made their compact with their governors, have a right to resist and, where necessary, to abrogate the agreement. In brief, Locke asserted the right to revolution.

Locke's ideas, whether in psychology or in politics, became the intellectual property of eighteenth-century Americans. He was the fountainhead of reference, even to those who did not fully or

always share his views. Benjamin Franklin, pragmatic in all things, was so impressed by the *Essay Concerning Human Understanding* that he advised that it be read in the Philadelphia Academy. John Adams, in his *Dissertation on the Common and Feudal Law* (1765), echoed Locke when he wrote that the people had rights that could never be taken from them: "I say RIGHTS, for such they have, undoubtedly, antecedent to all earthly government—Rights, that cannot be repealed or restrained by human laws—Rights, derived from the great Legislator of the universe." And Alexander Hamilton, ordinarily not given to popular causes, in his youthful enthusiasm for the American Revolution stated in his pamphlet, *The Farmer Refuted* (1775): "The sacred rights of mankind are not to be rummaged for among old parchments of musty records. They are written, as with a sunbeam, in the whole volume of human nature, by the hand of the Divinity itself, and can never be erased or obscured by mortal power."

But the supreme expression of these ideas was, of course, the Declaration of Independence, wherein Jefferson, speaking with the united voice of America and expressing, as he said, the "harmonizing sentiments of the day," asserted the "unalienable" rights to life, liberty, and the pursuit of happiness. The famous substitution of the word "happiness" for "property" was more an expression of a phase of Jefferson's moral ideas than a detraction from Locke's philosophy.

Locke's political theory was supplemented by Montesquieu's historical analysis. His *Spirit of the Laws*, based on an extensive and comparative study of history, including that of antiquity, provided the Founding Fathers with a persuasive anatomy of government. In search of guiding principles of government, Montesquieu, with a Cartesian passion for geometrical axioms and logical construction, came up with a typology of political institutions. In the annals of mankind he found three types of government and in the heart of government he detected three main divisions. The governments were: the despotic, ruled by what he called "fear"; the monarchical, guided by "honor"; and the

republican, characterized by "virtue" (in the sense of public spirit). As for the governmental divisions, they have been immortalized in the American Constitution—with its legislative, executive, and judicial branches. This functional distribution of powers was a prime necessity for the maintenance of liberty. Montesquieu wrote: "There would be an end of everything, were the same man, or the same body, whether of the nobles or of the people, to exercise those powers, that of enacting laws, that of executing the public resolutions, and of trying the causes of individuals." This was echoed by James Madison when he stated in *The Federalist* (No. 47) that the accumulation of legislative, executive, and judiciary powers in the same hands, whether of one or of many, "may justly be pronounced the very definition of tyranny."

The pragmatists among the Founding Fathers found Montesquieu's rational explanation of social phenomena highly plausible. They had a particularly keen appreciation of the Frenchman's emphasis on environmental factors as being of decisive importance in the molding of society. When Montesquieu pointed out the overriding influence of climate and soil, which he called "the first of all empires," as well as of "religion, laws, maxims of government, customs, manners," in the formation of human character and institutions, he spoke a language well understood by his American readers.

The environmental theory was even applied to explain the condition of Negroes, whose bondage was morally troublesome to many Founding Fathers who were themselves slaveowners. (George Washington, a slaveholder who disliked slavery, wrote in 1794: "Were it not . . . , that I am principled against selling Negroes, as you would do cattle at a market, I would not in twelve months from this date, be possessed of one, as a slave." James Madison, the son of a slaveholder, in his youth prepared himself for a professional career in order, he said, "to depend as little as possible on the labor of slaves.") In the year the delegates met at the Constitutional Convention and discussed grave prob-

lems, including slavery (which the majority deplored), an American scholar, Samuel Stanhope Smith, delivered a lecture before the American Philosophical Society in which he explained that the condition of Negroes was a result of climate and other physical factors. A pioneer effort in American anthropology, this lecture by Smith, who was John Witherspoon's son-in-law and later his successor as president of Princeton, was published under the title *An Essay on the Causes of the Variety of Complexion and Figure in the Human Species* (1789). In it he wrote: "It is well known that the Africans who have been brought to America are daily becoming, under all the disadvantages of servitude, more ingenious and susceptible of instruction. This effect, which has been taken notice of more than once, may, in part perhaps, be attributed to a change in their modes of living, as well as to society, or climate."

It may be mentioned that Jefferson, who as a youth carefully studied and summarized Montesquieu, underwent some changes of opinion in regard to Negroes. At first he was inclined to accept the idea that certain races, Africans and American Indians for example, are innately inferior to whites. In his *Notes on the State of Virginia*, written in 1781-82 and first published in Paris in 1785, Jefferson stated that "the blacks, whether originally a distinct race, or made distinct by time and circumstances, are inferior to the whites in the endowments both of body and mind." But he made the statement "as a suspicion only," because, he admitted, there was no proof for it. "Though for a century and a half," he wrote, "we have had under our eyes the races of black and of red men, they have not yet been viewed by us as subjects of natural history."

Some years later, in 1791, when he read *Almanac and Ephemeris* by Benjamin Banneker (1731-1806), a Maryland freeman who was a self-taught mathematician and astronomer, Jefferson modified his opinion regarding the supposedly inherent mental inferiority of Negroes. Banneker's scientific knowledge so impressed him that he sent a copy of the *Almanac* to his friend, the Marquis de Condorcet, who was secretary of the Academy of Sciences in Paris,

to prove that a "black man" could have abilities equal to those of whites. "The want of talents observed in them [Negroes]," he wrote to Condorcet, "is merely the effect of their degraded condition, and not proceeding from any difference in the structure of the parts on which intellect depends." Similarly, in his letter of acknowledgment to Banneker, Jefferson, who helped him procure the position of assistant to Major Andrew Ellicott in the surveying of the District of Columbia, wrote: "Nobody wishes more than I do to see such proofs as you exhibit, that nature has given to our black brethren, talents equal of those of the other colors of men, and that the appearance of a want of them is owing merely to the degraded condition of their existence, both in Africa and America."³

Religious Ideas

Next to the immediate environment of America and the political ideas of Europe, there was the religious influence. The spiritual world of the Founding Fathers was one of Protestantism, which, though it had lost much of its drive and rigor by the latter part of the eighteenth century, was nevertheless pervasive. Protestant roots were deep, even in the case of those Founding Fathers who were not religious in the conventional sense and who did not belong to any established church. No matter how sharply some of them may have rejected the Puritans' John Calvin (whom Jefferson called "an atheist" whose "religion was daemonism"), a residue of iron Calvinism remained in their souls, nourishing their stubborn sense of personal independence and giving moral support to their systematic refusal to accept authority without questioning it. As John Adams, who was close to the Unitarians, once said of his cousin Samuel, in defending him against the charge of "bigotry," he had been educated a Calvinist "and so had been all his Ancestors for two hundred years."

Protestantism was influential on two levels—where it was an

³ See Saul K. Padover, "Benjamin Banneker: Unschooled Wizard," in *New Republic*, February 2, 1948.

active force and, paradoxically, where it was not. In the one case, it stimulated rebellion against authoritarianism, and in the other, it maintained an atmosphere of general unconstraint. In New England, where the dominant religion was Congregationalism, there was an active dislike of Episcopalianism. In the South the frontier population of Presbyterians and Baptists had no identification with the aristocratic Anglicans who maintained the established Church of England. In parts of the South, indeed, religion played but a minor role. Propagators of the Gospel had few supporters. In 1728 William Byrd, after a visit to North Carolina, observed that "they account it among their greatest advantages that they are not priest-ridden." And of Edenton, the capital of the colony, he said: "I believe this is the only metropolis in the Christian or Mahometan world where there is neither church, chapel, mosque, synagogue, or any other place of public worship of any sect of religion whatsoever." Nevertheless, this absence of organized religious institutions may also be regarded as a phase of Protestantism, although not a lasting one.

"All Protestantism," Edmund Burke once remarked, "even the most cold and passive, is a sort of dissent." In the case of the Founding Fathers, their age was the product of a triple religious dissent. First, their British forebears dissented against, and broke with, the Church of Rome. Secondly, their ancestors protested against, and parted from, the Church of England, which had succeeded that of Rome. Thirdly, many of their American grandfathers, and in some cases their own fathers, fought the Puritan theocracy in New England or opposed the established church in other colonies. Operating within the total framework of the Protestant tradition, these varied and intermingled dissents continued over the decades, and in the course of the struggle many ideas and attitudes, which at first were or seemed to be ecclesiastical, spilled over into the political field and thereby helped to create a climate of opinion favorable to the institution of self-government. The hatred of the Church of England, John Adams said, "contributed as much as any other cause" to arouse the

people against Britain's political authority over the colonies. This is what James Russell Lowell may have had in mind when he said: "Puritanism, believing itself with the seed of religious liberty, laid, without knowing it, the seed of democracy."

The culmination of this Protestant tradition of dissent was reached when the Founding Fathers succeeded in establishing first the principle and then the practice of separation of church and state. To the extent that spiritual liberty is the first of all liberties, the permanent disestablishment of the church was their greatest achievement. This battle was fought by a number of brilliant leaders, foremost among them Jefferson, Madison, and Mason, on the conviction that a government-supported—"established"—church is, almost by definition, the entrenched enemy of freedom.

An official religion, that is, a church for which people are compelled to pay taxes regardless of their own beliefs, produced, the Founding Fathers felt, a chain of evils of which the foremost were the denial of the free exercise of reason and the perpetuation, through coercion, of moral hypocrisy. The latter, in particular, was the prime sin, since it was a continuous outrage on the moral instinct with which, the Founding Fathers believed, all men were born. This inherited moral sense, man's most precious possession, was the sole guide in matters of right and wrong, of pleasure and pain—and of conscience. It was the basis of all morality, without which there could be no civilization. Jefferson, in a letter discussing Helvétius' *De l'esprit* (1758), a book on the utilitarian basis of ethics which, because of its liberalism, was publicly burned by Louis XV's hangman, put it this way: "Nature hath implanted in our breasts . . . a moral instinct . . . The Creator would indeed have been a bungling artist, had he intended man for a social animal, without planting in him social dispositions. . . The want or imperfection of the moral sense in some men, like the want or imperfection of the senses of sight and hearing . . . , is no proof that it is a general characteristic of the species. When it is wanting, we endeavor to supply the defect by education. . . .

The moral instinct . . . [is] the brightest gem with which the human character is studded."

Therefore man, possessed of such an inherited internal monitor, did not need any paid official to guide him in his morals or his faith. An established church, administered by a priesthood (regardless of denomination), was thus considered to be contrary to the laws of God and against natural rights. Man's conscience was entirely his own, answerable only to God and not to some mortal judge or inquisitor. Religion and politics were never to mix. Each man was to be free to worship or not to worship, as he saw fit. It was not the business of government to interfere, even remotely, in matters of faith or conscience. This idea, made permanent in the First Amendment to the Constitution, was first formulated in Virginia's epochal Bill of Rights (proposed in 1776, passed in 1785): "Religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force, or violence; and therefore all men are equally entitled to the free exercise of religion, according to the dictates of conscience."

Such, in sum, was the world of the Founding Fathers. They were men of strong convictions, animated by a deep moral sense and dedicated to the ideal of freedom. Their minds were disciplined by study and by a system of values that made their lives meaningful for themselves and significant for others. Theirs was a world ruled by reason and by the philosophy of natural laws. They had a common culture, derived from the classics and from British institutions and enriched by an altogether American belief in the dignity of man. Thus they constructed the American Republic on the conviction that it was possible for people to govern themselves without abuse or injustice. The government they created under the Constitution became, as they had planned, a marvelous mechanism, flexible and durable enough to assure the rights of man within a system based on the philosophy of freedom. The whole United States is their lasting monument.

THE PROBLEM OF NATIONAL LEADERSHIP IN NIGERIA*

BY H. H. SMYTHE

DURING the Nigerian Constitutional Conference held in London, May-June 1957, the British Colonial Secretary is reported to have said that he could not commit the British government to a definite date for Nigerian independence "because it would like to see more unity among Nigerian leaders."¹ This statement reflects the state of affairs that exists in Nigeria today, and indicates the tremendous problems that must be overcome if the nation is to attain its autonomy within the near future. After the London conference the political leadership set a target date of April 2, 1960, as the day on which national independence is to be declared, but there is of course no firm certainty that this will come off as expected. In fact, an analysis of the state of leadership in Nigeria today presents a very pessimistic picture as to just when Nigeria will get its freedom from British colonial rule.

There can be no question that among the urban elements of Nigeria there is a definite urge and a strong desire to be free. But the great surge of nationalism that swept the country in the 1940s, when the American-educated Dr. Nnamdi Azikiwe aroused Nigerians with fiery demands for political independence and seemed to have united this complex territory of diverse tribal and cultural groups, has all but died away.² That impetus has dissipated, and the reality of a nation whose population is largely illiterate, poverty-ridden, and still "bush," a land where the drive

* AUTHOR'S NOTE — This report is developed from material for a larger study, being made under a grant from the Ford Foundation, on social and political problems in Nigeria during 1957-58.

¹ *Daily Service* (published in Lagos, Nigeria), June 29, 1957, p. 4.

² In 1947 Dr. Azikiwe, in the memorandum sent by his National Council of Nigeria and the Cameroons to the Secretary of State in London, asked for independence inside of fifteen years; see M. Nicholson, "End of Beginning in Nigeria," in *Venture*, vol. 9, no. 4 (September 1957) p. 3.

for education for these masses is strong but the results sparse and spotty, and whose daily papers indicate a high state of disorganization among those public figures the nation must look to for guidance, should help to give some idea of what the leadership is up against, and reveal something of the difficulty of finding the unified and solid leadership that is needed.

Much of the difficulty of understanding leadership in Nigeria stems from the fact that even today the territory is still, in a sense, three separate nations, each at a different stage of development, and that political friction of real magnitude exists among all three. In addition, there is no really national party in the country, and hence no national leadership. The two regions of the country's southern part — the West and the East — are further advanced than the North, which is larger than the two southern areas combined.

In the East there is clamor from some sections for the formation of separate states,³ with incipient leadership vocalizing for small segmental groups and threatening to break away from the present regional federation. Over in the West the Midwest State problem is stirring up trouble, with its spokesmen literally quarreling for and against this measure. And in the North the leadership speaks out against any attempt to subtract part of the southern fringe of its territory for the formation of a Middle Belt State. The friction engendered by the state problem has given rise to a multiplicity of leaders, none of whom commands any real following but each of whom stands as another obstacle to be overcome in the drive for unification. And in addition to this complicating state problem, the leadership of Nigeria, because of its regionalization and numerous tribal and ethnic divisions, has to cope with problems of traditional loyalties and political alignments of previous periods.

It is obvious, then, that Nigeria today, as it hopes for freedom

³ The CORist movement, centering on the Calabar-Ogoja-Rivers state question, illustrates the complexity of the formation-of-states problem now commanding attention in Nigeria; see *Daily Times*, September 15, 1957.

and independence of Great Britain, must find leadership that can overcome the disunity and fractionalization that this picture presents and weld the country into a composite whole. It needs a person who can attract a national following, one in whom Nigerians of every description can trust and believe yet who can assuage the fears of powerful competing individuals and satisfy their individual drives for prestige, position, and authority.

I

In such a situation one first turns to an examination of present political leadership. There are a very large number of politicians who figure on the national scene of contemporary Nigeria, for this is a country unique in that it has five prime ministers, five parliaments, and five sets of cabinet ministers to represent its 30-odd million inhabitants, and in addition two houses of chiefs in the West and North as part of the governmental structure. Yet out of this melange of upper-level politicos, only a small number may be viewed worthy of real consideration as forming the "political leadership" of Nigeria. Some class these few as the Big Three, others as the Big Five, depending on how they evaluate the situation. Foremost are the Premiers of the three regional governments: Dr. Nnamdi Azikiwe of the East; Chief Obafemi Awolowo in the West; and Alhaji Ahmadu, the Sardauna of Sokoto, from the North. These three represent and are the leaders of Nigeria's most important political parties, but each is a different personality and political type.

Of these three the oldest, at 54 years of age, the best known and most popular in the country, is Dr. Azikiwe, better known as "Zik." In spite of opponents' allegations that his National Council of Nigeria and the Cameroons (NCNC) is an instrument of Ibo domination, he thinks of himself as a Nigerian; he was born in the North, and speaks both Hausa and Yoruba. At one time he was the only West African who was internationally known. He is a man who revels in the limelight, in triumphal tours, showmanship, big gestures, shouting and clamoring crowds. There

were prophecies, which proved correct in 1952, when he failed to become a Minister after the ministerial system was established in Nigeria, that his exclusion from power and responsibility would have a bad effect on Nigerian stability. Zik was never opposed on principle to the acceptance of office under a colonial regime, and he served in the old Legislative Council from 1947. Since becoming first Minister of Local Government in 1954, and then Premier of the Eastern Region, he has settled down to the work of government.

But what of Zik as a leader? First, there is a tendency to judge him more severely than other prominent men (perhaps because he was the chief inspirer of Nigerian nationalism), with the result that his errors of omission and commission are invariably more loudly condemned than those of others. Second, whether he admits it or not, he is faced with an unwieldy organization that began by embracing whole tribes, clans, unions, and societies and is today faced with the practical problems of sorting out which individuals really belong to it and which do not. And added to this is the obvious headache caused by some of his thousands of supporters and lieutenants who feel that they ought, by right, to be paid for the support they have given him down through the years, the expected compensation to be in the nature of ministerial appointments, appointments to statutory boards, corporations, and other political offices. The fact that there are not enough of these offices to go around, and that very often those aspiring to them are not necessarily the best qualified candidates, makes rivalry within the NCNC a regular and disturbing feature of his leadership and organization.⁴

Two other difficulties confront Zik's leadership. One is the clash of personalities which often occurs among those who look

⁴ See "Current Events in Eastern Region: First it was Ojike, Now it's Okpara," in *Daily Service*, October 5, 1957, p. 6; "Zik Tells Ministers to Quit Party Posts," in *Daily Times*, October 4, 1957, p. 1; "NCNC Chief Joins AG" (Action Group party of Western Region), in *Nigerian Tribune*, October 4, 1957, p. 1; "Zik's New Plan for the NCNC," in *Sunday Times*, October 6, 1957, p. 3; "Chief Whip Calls for Purge in NCNC," in *Daily Times*, September 30, 1957, p. 2.

upon themselves as his immediate lieutenants and possible successors. The other is the common notion among certain communities which support Zik and the party that their support implies a reciprocal policy of favoritism on the part of an NCNC government. These, added to all the other problems, indicate the situation facing Zik's leadership, and reveal that he must exercise strong discipline, reorganize the NCNC, and prepare to live up to its claim of being a national party by not evading the situation in the North, by contesting elections directly or in clearly defined alliance with the Northern Elements Progressive Union (a minor party in the North, now in official alliance with Zik's NCNC), and by creating a more efficient and disciplined organization.

Tall, bespectacled, and dynamic, Zik — in spite of the troubles within his NCNC — has still special appeal to millions of Nigerians, and not only because of his education, his experience, or even his political program. He has a capacity for making audiences feel happy and important, and for expressing nationalist aspirations, however vague.

While Zik, they say, is impatient of detail, a master of political strategy, but careless of tactics, on the other hand the 48-year old Chief Obafemi Awolowo, leader of the Action Group party, is said to be just the opposite, finicky about details and a skilled tactician. Never did careful planning pay better dividends than in the electoral triumph enjoyed in the Western Region by Chief Awolowo's party in 1951, less than a year after it had been formed, and in its 1957 success in Eastern Nigeria, where, after the election in March, it became the official opposition.

Since he took office in 1952 as Minister of Local Government, Awolowo has been an exceedingly successful administrator, and one who does not court popularity. He is a tireless political organizer, a Minister who has traveled widely and listened to all and sundry. His people, the Yorubas, by far the most important group in Western Nigeria, are capable, and he has been lucky in his choice of very able assistants. Before he became leader of the Action Group, Awolowo was known for his book, *Path to*

Nigerian Freedom, which advocated a federal form of government for Nigeria, faced with frankness the problems of Nigerian unity, and anticipated many issues that are now topical. Opponents have accused him of being a tribalist, yet he has declared that since his region is to have self-government he feels his future work lies in the Federation, and has himself accused his accusers of elementary political ignorance because they equate a federal form of government with national disunity.

Chief Awolowo has exerted his leadership in building a strong party by renouncing his "West First" policy and announcing his proposed candidacy for the Federal Legislature and national politics, and also by setting out to win the confidence and support of Nigerian students in Great Britain (as indicated by his political overtures to them during his visit there for the Constitutional Conference in June 1957) and by skillfully converting the Action Group from an undisguised regional party to a well organized national one. In Nigeria, observers are of course aware that there have been violent disagreements and struggles for power and position within the Action Group, but the fact that Chief Awolowo has cleverly succeeded in either settling disputes or suppressing interparty differences indicates the strength of his leadership and shows that discipline within the party has not weakened with expansion. Unlike Zik, he is short of stature, solid, and deeply earnest in appearance, and is a leader who outwardly commands respect.

The youngest of the Big Three is Alhaji Ahmadu, the Sardauna of Sokoto. The size of his Northern Region — bigger in area than the rest of Nigeria, and containing half the country's population —makes him a powerful figure. Though his Northern Peoples Congress (NPC) has little political influence outside of the North, and the Sardauna is sometimes accused of despising the South, he is, after all, a direct descendant of the great Othman Dan Fodio, founder of the Fulani Empire, which has produced most of the outstanding rulers of Northern Nigeria, and he is spoken of as the future Sultan of Sokoto, "Commander of the Faithful"

of Islam. Because of his birth he has been accepted as a leader, and as Minister of Local Government, by Northern Emirs, though he is now only 47 years old. He is accepted as leader by his colleagues of the NPC, whatever their views. Since becoming Premier he has traveled widely abroad, and is an important figure in the Moslem world.

As to his taking over national leadership, it appears, from all indications, that the Sardauna would respectfully decline the offer. He seems to be far more interested in the exalted office of Sultan of Sokoto, and he is passionately convinced that his leadership would be more effective in the North than in the country as a whole. And he is thought to be, in comparison with Zik and Awolowo, still politically "shy" and less likely to stand up to public criticisms. On the other hand, there is no question that the Sardauna is very well aware of the possibility that a Moslem Prime Minister could definitely influence the course of national events and international connections, to the benefit and advantage of the Moslem North. While it is likely that the leadership of Zik and Awolowo will usually be determined by the whims and caprices of their fanatical supporters and opponents, the Sardauna has the unique advantage of being acceptable to the nation as a compromise in the last resort.⁵

If one were to stretch this list to a Big Five it would include the current first Federal Premier, Alhaji Abubakar Tafawa Balewa, an NPC member from the North, and Dr. E. M. L. Endeley, Premier-designate of the Southern Cameroons. But neither of these is very important as yet. Dr. Endeley is not entrenched in a Cameroons-in-transition, and because of the appendage character of this United Nations Trust Territory in the political and geographical structure of Nigeria, it is unlikely that his leadership can ever be seriously considered of national significance. As for Balewa, in spite of the strong personal qualities attributed to

⁵ For helpful reflections on the political aspects of Nigerian leadership and what future election results may bring in this regard, see Kamanu, "Who Will be Nigeria's Leader After 1960?", in *Daily Times*, September 14 and 16, 1957.

him, and his role as the first politician from the North to make a stir and create a forceful impression in the country's national legislature, many still regard him merely as a "caretaker prime minister."

Other potentialities for political leadership might be designated as the "standing-in-the-wings" or the "dark-horse" group. These are individuals who are well known, either because they head fairly important political parties or hold significant ministerial posts, or who, as chief aides to the Big Three or as forceful leaders of opposition groups in the various parliaments, cannot be counted out as possible national leaders.

Prominent among these is Malam Aminu Kano, a selfless, highly intelligent, astute leader of what is acknowledged as a real people's party, the Northern Elements Progressive Union (NEPU), largely Hausa and Moslem in composition, which is allied with Zik's NCNC. According to some observers of the indications in present-day Nigeria, this is the man who stands a chance of emerging as the possible unifier of the nation if one of the current Big Three falters in the task. At NEPU's Seventh Annual Conference in Ibadan in September 1957, Mr. Kano announced plans for his organization to become a truly national party, and he is now working toward changing its name, in order to remove its regional coloring, and attempting to set up national machinery to campaign in all parts of the country.

In addition to Mr. Kano, others with some possibility of rising to significant influence on the national scene include Chief Rotimi Williams, who some say is the real strategy adviser and brains behind the Action Group. Currently Minister of Justice and Local Government in the Western Region, he is an astute lawyer of jovial and humane manner and an excellent sense of humor. His actions in the Western House of Assembly are noted for their high level of performance and for his skillful and courteous treatment of the opposition. Mr. Williams has demonstrated capacity as a compromiser, and as one who gets things done. His loyalty to his chief, Premier Awolowo, is unquestioned, and his

ability to keep his word has gained him the respect even of his opponents.

In Zik's NCNC perhaps the Honorable Dr. K. O. Mbadiwe, who now holds the important post of Federal Minister of Commerce and Industry, is most worthy of serious consideration. American-educated and long associated with the flamboyant Zik, he has been highly successful in all posts assigned to him, in spite of his flat personality. He is constantly in the news, but always in connection with some cause designed to bring credit to Nigeria as well as to himself, whether in wealth, fame, or construction, and he is unconsciously building up a reputation and a following as yet unrecognized for its strength. He handles himself well and with ability in the Federal House of Representatives, and is known for exercising constraint in debate, and as one who works behind the scenes to make things go.

These men form the top political leadership of possible national significance, and it is from among them that the first really national leader of an independent Nigeria may come. But in a nation so disorganized and disunited as this British territory is today, there is always the possibility that a leader will emerge from some other category of society. Because of the situation in the Moslem North, which is still highly traditional and hierarchical in structure, with the rule of the Emirs absolute, and which has a low level of literacy, it is unlikely that a leader will come forth from there, other than those already mentioned. The weakness of leadership in the North is emphasized when it is realized that in all that vast region there is but one trained lawyer, and that of some 46,000 employees in the Federal Civil Service less than one percent are Northerners. Thus it is elsewhere that Nigerians must turn to examine the possibilities of national leadership.

II

The intellectuals of Nigeria as yet form but a small body, and exert almost no influence in Nigerian public affairs. There is, however, a growing group of highly trained persons, though they

are still relatively young and have no real following. Such a group is represented by the individuals in the Citizens Committee for Independence, which sponsors the Nigerian Public Forum to provide an opportunity to independents and those of various political affiliation to discuss questions of public concern. Most of these individuals are American-educated, and hence their position is difficult in this British-controlled colony; their possibility for leadership rests in the future, after the country becomes independent.

Education is not well developed in the country as a whole, and in the educational world, where intellectual leadership ought to be found, there is confusion. In the University College at Ibadan, trained Africans on the faculty still form but a small minority of less than 20 percent of the teaching-research staff. The few senior members are scholarly types with no inclination toward mass leadership, and the younger Africans in junior positions, though interested in politics and in doing something to advance Nigerian freedom, are practically voiceless and are completely without influence on the broad public scene.

As regards the traditional chiefs, they are not important in modern nationalistic politics, which is largely an urban-oriented phenomenon.⁶ Since the chiefs have influence largely within a restricted local sector, they are not significant in terms of a leadership that is national in scope. Moreover, their leadership has a basic weakness in the conflicts arising from their positions as traditional or non-traditional officeholders, conflicts that tend to divide their followers. Therefore chieftain leadership can be counted out in a Nigeria in process of change from a simple, primitive bush type of life to a complex, industrial urban one.

Turning to other possible groups, women are a nonentity in Nigerian society, and the nature of the social structure prevents them from developing real qualities of leadership even on a very

⁶ For some understanding of the plight, function, and role of one region's chiefs see G. I. Jones, *Report on the Status of Chiefs in the Eastern Region* (Enugu, Government Printing Office) September 1957.

local level. The idea of "career women" is not yet even a vague notion. There is no Nigerian woman of real prominence on the political scene, and all one can say is that their future is still to be made. And no leadership of significant stature can be expected to come from the category of the numerous obas, olas, olos, olus, olowas, onis, alafins, owas, alakes, ologeres, shouns, and so on who exercise a type of leadership in segmental units of customary society, even though some of them are in urban communities. Their horizons are limited, they are bound by conventional practices, and they lack world experience or modern political knowledge to cope with the problems of a Nigeria being formed on a Western parliamentary-government framework. Nor is there any prospect of leadership arising from the emergence of some military personality; after all, the Nigerian army is less than 7,000 strong, and no Nigerian holds high rank.

There is no important businessman on the public scene who can be looked to for the unifying national leadership Nigeria needs. Some are rich and powerful, but they take no overt part in public political life, with the possible exception of the Federal Minister of Finance, Chief Festus Okotie-Eboh, and he has not exhibited qualities indicative of national appeal to the electorate. In the labor field there is no individual of real prominence, for organized labor is still in the process of formation and is not of sufficient strength to contest on the political front. Other than in the Moslem North, where conservative traditional leadership is localized and hence not of national pertinence, no religious figure stands out who can grasp and hold the nation's attention, who can attract the masses. Actually, the religious leadership — the bishops, archdeacons, prominent ministers — do not as a rule participate actively in politics or public affairs, but adhere closely to the sacred chores connected with their priestly offices.

III

Thus it seems that national leadership in Nigeria today, if it is to produce a "man of destiny" to lead the nation to unification

and independence, must look to the Big Three or Big Five, the only individuals who really stand out on the national scene. The majority of Nigerians who are anxious that Nigeria should as quickly as possible assume its rightful position as the biggest black state in Africa, and as spokesman of the entire African people, would clearly prefer Dr. Azikiwe or Chief Awolowo, who are most likely to give the country the dynamic national type of leadership so necessary to a young country just finding its feet. But there are those who are afraid that a Zik or Awolowo regime may bring about violent reactions among their respective supporters and admirers, to the detriment of the future of the nation. Naturally, therefore, these individuals would prefer a Sardauna regime to start with, or the ultimate confirmation of the appointment of Balewa, the pre-independence Prime Minister. This means that Zik or Chief Awolowo must start educating their followers on the need for political tolerance; otherwise the idea may gain ground that only an NPC federal prime minister can bring stability and peace to the nation.

To forge this stability the national leader, no matter who he is, will have to accomplish certain things. He must be capable of uniting the three regions into a functioning whole. He needs to know how to allay the fears of ethnic, political, tribal, and other "minorities,"⁷ and how to conciliate local traditional rulers who can, and do, cause much unrest and prevent and delay the solidifying process necessary to making the nation one in fact. In addition, he must find techniques for persuading local rulers of large and small communities to forgo personal power in the interest of Nigerian unification and independence.

He must be able to overcome the cynicism of educated young people and of numerous disillusioned adults, who look upon cur-

⁷ The "minorities" question is an important one in Nigerian affairs, causing much apprehension among certain segments of the population as the territory moves toward independence. As a consequence the Colonial Office in London announced in September 1957 the appointment of a Commission of Enquiry on the status of minorities and the problem of safeguarding their rights; the commission began its work in November.

rent national leaders as interested only in personal prestige, individual power, emoluments of office, luxurious living, and private privilege. He has to be one who can "prove" to the masses that he is selfless in his desire to achieve freedom for Nigeria. It is necessary for him to become a real magnetic symbol, endowed with a kind of personal attraction for the overwhelming millions of illiterates, in order that he will be able to divert their attention from their small-circled, routine daily village-community existence to nationalism as the basic thing in the minds of all, and in order that he can forge a national will to think "I am a Nigerian," a part of a nation one and indivisible. This person must be able also to secure the trust and belief of the intellectuals, as well as their help. He will need to know how to get labor behind him, and to show the business community that independence for Nigeria means better business for them.

He must have the courage to tell the truth, to state facts, and to give honest voice to the difficulties of the present and to those that lie ahead when Nigeria is on its own. Above all, he must have vision and foresight, and a pragmatic, clearly outlined plan of how to meet the major problems an independent Nigeria is sure to confront.

This, to be sure, is a large order for any one individual. But between now and 1960, when Nigeria hopes for independence, anything can happen. A "great man" can come forth to unify and weld Nigeria into a strong and solid whole. The obstacles, obviously, are many, and the chances for such a personality to emerge within such a short time are few. But history has seen such things happen before, and it can happen once again in West Africa's Nigeria.

THE COMMUNIST FARMER*

WAR against the farmer, whether "capitalist" or peasant, has from the beginning of the Russian Revolution been an essential factor in Soviet policy. By what method this war has been waged in the Soviet Republic and the satellite states we can only conjecture, from the sparse data that may seep through the Iron Curtain. East Germany, officially the Russian Occupation Zone, is an exception to this rule. Thousands of farmers and farm workers have been fleeing to West Germany with the records of Russian methods stamped in their lives. Such records, supplemented by the available literature, provide us with a faithful account of Communist agricultural policy.

Karl Marx was the originator of Soviet ideas on the farmer and agriculture. Marx abominated the peasant. History was peppered with peasants' revolts, but these revolts were always reactionary, not revolutionary. The peasant dreamed of restoring the primeval status, when Adam delved and Eve span, and the gentleman landlord was nowhere. Kill the landlord, the lawyer who shows him how to fetter the peasant, the usurer who robs the peasant, the trader who cheats him. Then all will be well with the world, according to historic peasant philosophy.

The peasant soul, according to Marx, is bourgeois, property-loving. Here Marx, a city man who had never put his soles on the black soil, fell short of the mark. The bourgeois loves his shop, his factory, his bonds and mortgages, for the income they bring in cash. The peasant loves his bit of soil for itself, its contours, its varying consistency. He loves it for the crops that grow on it, and have grown on it since his first memory, and even the first memory of his father and grandfather. He knows potatoes will yield well in that sour-soiled lower corner; that on the stiff-graded, light-soiled south field you have to plow in plenty of coarse barnyard manure if you would thwart erosion. His mind is occupied with physical surfaces, physical fruits of the soil. To be sure, he wants a price for his products, and he is usually discontented with what the market offers. If it offers too little he turns his wheat into pork; if the price of pork is outrageously low, he cures it and eats it. The peasant is a grain of sand in the eye of Marxian revolutionary dialectic.

Possibly Marx sometimes asked himself why the revolution should

* EDITORS' NOTE—This essay will appear as the Foreword to *Farmer and Farm Labor in the Soviet Zone of Germany*, by Frieda Wunderlich, to be published shortly.

not simply bypass the peasant. But that would not be easy, for the peasant held the food supply and could demand from the industrial revolutionist an equivalent in goods, at the peasant's conception of fair terms of exchange. One may recall the early experience of the Russian Revolution, when the revolutionary masses had nothing to offer the peasant but worthless rubles. The peasant killed and ate his growing pigs, turned his calf, a prospective milch cow, into veal, stored his wheat in improvised bins where rats and weevils grew fat. Was it two million or three million "kulaks" an outraged Revolution shipped to Siberia?

Yank the peasant off his individual holding and set up "collectives," where whole groups of farm families would work together on common fields—with perhaps small gardens of their own. Or set up nationalized agricultural units, operated by selected wage earners, managed by expert agronomists who know how to work modern equipment, apply modern techniques of fertilizing, select the best types of grains and grasses.

Such establishments are often to be found in "capitalistic" countries and they may develop startling efficiency. I once visited a wheat "ranch" in Montana where a family of three adults was harvesting two thousand acres of wheat. With modern machinery they had plowed, harrowed, sown, and were harvesting the whole two thousand acres, without hiring a single day's outside labor. The season was good, and the yield was better than forty bushels to the acre. They produced, the three of them, eighty thousand bushels of wheat, bread grain enough for fifteen thousand people for a year. Isn't that enough to make a Communist mouth water?

As the Communist theorist sees it, most peasant farming is inefficient. The peasant clings tenaciously to traditional ways. In a French peasant community you will see in the field the same kind of wheat that grew there in the days of Vercingetorix. Our American Marquis wheat would yield ten percent more, with no increase in labor. The plows I saw in France made me shudder. They were horse killers, man killers. The hand tools I saw were terrible. A peasant was about to cut down a tree and politely handed me the ax, as I was "from the great forests of America." I managed to beaver the tree down—with the admiration of the peasant—and I realized better what we owe the backwoodsman of America who whittled through generations at ax helves, until in Arkansas they produced an ax that will almost cut down a tree on its own. I've held in my hands the monstrous instrument they use for a pitchfork in Bavaria. I've seen on the Rio Grande

the preposterous dwarfish plant that does poor service for our nobly productive maize.

There is thrift in the peasant but no progress, except where cooperation takes root, as in Denmark, or in the Po valley before the disastrous rise of Mussolini. Yet it must be said for the peasant, the soil survives under his hand. The wheat fields of France may not produce a type improved upon the wheat of Vercingetorix, but the land is as productive today as it was two thousand years ago. The terrace farms on the hills behind the Riviera have produced continuously for 3000 years. On the other hand the wheat ranch I have described is producing nothing now but dwarf Russian thistles. The rich top soil, product of a half-million years in grass, has all blown away. It will take ages to restore it.

If all farm land were level, free from stone and erosion gashes, the large unit, capitalistic or Communistic, could satisfactorily displace peasant agriculture. Alas, not five percent of the farm land needed to feed mankind answers to these specifications. Most farm land is tilted, gullied, stony, and falls into irregular-shaped tracts. A Fordson tractor may work fairly on such tracts, a short-sickled mowing machine, a self-binder. But the tremendously economic gang plow, the wide-sweeping seeder and fertilizer spreader, the "combine" that threshes your wheat in the field, the corn husker, are elephants in the kitchen garden.

Moreover, you can't grow continuously a single crop, like wheat, on difficult land, no matter how liberally you apply artificial fertilizer. You have to rotate, grain and grass, if you want to check erosion. That means mixed farming, grain and livestock, a scheme of agriculture that does not lend itself well to the huge capitalist or Communist unit. In America, where there are no limits on the size of the farm unit and we have innumerable vast grain farms, cotton farms, orange farms, even head-lettuce farms, the dairy industry remains almost wholly the realm of the family farm. Cows are not very productive when tended by a proletarian chased to work by a commissar. Cows and proletarians are temperamental, something not recognized by Marxian dialectic.

It may be said that in Russia the Communist scheme of farming has worked not too badly. The Russian population is fed, if not very well, yet much better than under the czars. We hear nothing nowadays of Russian famines. If we accept Russian statistics, the amount of grain produced, the amount of milk, is impressive. But Russian statistics appear to be based on estimates of grain not yet in the sheaf

and of milk on the hoof. Well, the Russians are not the first to play with statistics.

The Russian Communists had two important advantages in their agricultural program. First, they had in the Ukraine immense tracts of fertile, stone-free, and not seriously gullied land, adaptable to highly mechanized agriculture. In Kazakhstan they had great stretches of light wind-borne soils, comparable to those of our own great plains, soil that yields well for a few years when there is rain enough, which is not always. Second, the peasants they had to displace, except for Catherine's Germans on the Volga, were the most inefficient in all the world. Ages of serfdom succeeded by three generations of rack renting had taken the energy and the love of the soil out of the average peasant. A minority had won through to independent status. These were the Kulaks and had to be exiled because of their stubborn resistance to city demands for food in return for shinplaster rubles. If Communist agriculture could improve on such a peasant system, where is the miracle?

But the Communists thought they had a scheme that could be universally applied. They were pained that Tito was slow in applying it in Yugoslavia. There is little level ground in Yugoslavia except in the old Banat of Temesvar. The rest is by nature peasant terrain, and the Yugoslav peasants, however stubbornly traditional, are passionate lovers of the soil and good workers. Mostly Tito had to let them alone. He imposed enough Communism to reduce a land that had always been self-sufficient in food to a chronic supplicant for American surplus grains.

The Russians naturally expected the Poles to follow the Communistic agricultural pattern with enthusiasm. Well, Poland too, once a food exporter, has now to beg food. Gomulka is back-tracking toward the peasant scheme.

China, too, seemed to the Russians a proper field for the application of their agricultural principles. But China's huge population requires the intensive cultivation of every bit of soil, on the plains, the hills, the terraced mountain sides. Only the plains lend themselves to high agricultural technology and it is uncertain that high technology can match peasant farming in acreage yields. Certainly our own capitalistic rice farms, while vastly more productive per unit of labor than Oriental peasant farming, fall far short in acreage yields.

North China is mostly milk, wheat, and corn country, and it is possible that collectives or nationalized units might work there. We cannot get precise information as to what is happening to the Chinese

farmer. But he is fleeing by the million to the city, and the Chinese government is speculating on methods of chasing the peasant back to the land.

But where the Russians found the most imperative reason for establishing their farm system was East Germany. Russia could not annex East Germany outright. She could not afford to give more of it to Poland than the Poles got with the Oder-Neisse line. She could not keep her occupation going forever. But she could fix up East Germany with "social gains" that would make the area unassimilable to West Germany. Nationalize industry, trade, housing, of course. But above all, Russianize agriculture.

East German agriculture had been efficient. There were multitudes of peasant holdings, well worked. Cooperation was gradually coming in, crop species were improving, stock breeding was on the up grade. There were larger farms worked partly with hired labor, and some very large farms. There were no wide fertile stretches as in the Ukraine. Flat land there was much of in the Baltic plain, but it was sandy, productive only under persistent good tillage. Peasants and farm workers were industrious and the owners of the larger farms were well trained.

In cereals, potatoes, and vegetables the region was self-supporting. It produced milk and cheese enough, though not as much meat as a modern standard of living asks for. Given time and the extension of cooperation, this shortage too could have been overcome.

But the Russians moved in with their theories and political purposes. The larger farms were cut into small plots, for agricultural workers, with no decent provision for housing or farm equipment. The commissar told the small farmer what to produce, himself knowing nothing about what the soil would yield. If the result was poor, the farmer was supposed to be guilty of sabotage and subject to punishment. What wonder that a steady stream of fleeing farmers set in, to begin life anew in overcrowded West Germany. And the food self-sufficiency of East Germany was at an end.

It is a naive illusion that the Russians might turn the Zone back to the German Federal Republic to prove the good faith of their peace propaganda. Khrushchev has stated repeatedly that any plan of unification of Germany must preserve the "social gains" won under the Russian occupation. "Social gains!" Nationalization of industry and trade, government by a single party, the Communist Party. Above all the ruin of East German agriculture. Could the Russians tolerate a plan of reunification that would expose their cherished collectives,

their nationalized units, to the mercies of Bonn? Could they stand by while the former owners of the East German farms sued successfully to recover their rights to the soil, expelling the Communist tenants, the Communist commissars and technicians?

The record of Russian methods in East Germany gives us a clear idea of what happens to agriculture, and must happen, under a pure Communist system. Communism cannot tolerate the private ownership and operation of farm land. But collectivized and nationalized farming cannot get full productive results out of lands that are not level and free of stones. It cannot conserve the soil. And no dense population can be fed, in the long run, without the contribution of the hillside and narrow valley farms.

We are living in an era in which population is increasing with explosive force. Before a half-century has gone the population of the world will be twice what it is today. Where will it get its food? Not out of Communist collectives or even from capitalistic bonanza farms, but out of the reviving multitude of small farms operated by men who love the soil.

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BOOK REVIEWS

MELMAN, SEYMOUR. *Dynamic Factors in Industrial Productivity*. New York: John Wiley. 1956. xiii & 238 pp. \$4.75.

The propositions put forward in this book are clearly set forth and, on the whole, well argued. Part I demonstrates that mechanization in England, 1938-50, followed changes in the relative cost of man and machine hours; to an economist Melman's illustrative case histories are a welcome inductive demonstration of the principle of substitution. Part II shows the growth at the same place and time of administrative staff compared with productive workers (the "A/P ratio") and seeks the "necessary and determining conditions" for this rise (which will presently be discussed). Part III inquires how far "the regularities in England are unique to that time and place" (p. 97).

It is found that the A/P ratio rose less rapidly in America than in England. This is not necessarily a "bad thing," as Melman appears sometimes to assume, since England may well in the past have had too low an administrative personnel. Indeed, a comparison I have made between industries shows the 1948 ratio to be particularly low in England's more old-fashioned and static industries, such as shipbuilding (11 percent), cotton spinning (6 percent), cotton weaving (5 percent), and coal mining (4 percent), in contrast to electrical engineering (31 percent) or chemicals (38 percent). It is possible, of course, that in her newer dynamic industries England is overdeveloping the administrative staff and, as Melman suggests, using too much administrative manpower in managerial "decision-making." In Part IV he deals with the implications of his findings for engineering practice, the business process, and future productivity. Melman is probably right in supposing (p. 182) that "reduction in administrative overheads could develop in response to changes in decision-making techniques that reduce the man-hour requirements for track-keeping and surveillance over industrial employees."

On the rising administrative overhead in England indicated by the Administrator/Producer ratio, Professor Melman seems to me unduly alarmist. From sentences such as "the growth of A/P takes on special importance, however, in view of its greater rate of increase as compared with worker productivity" (p. 77) the reader would imagine that overhead cost would soon overtake and cancel out, or more than cancel out, the rising labor productivity. But if (as the figures in Melman's Table X allow us to do) output per producer is replaced

by output per person (whether producer or administrator) no alarming trend is visible. With 1907 as base, the index of the rise in productivity per producer was 173 for Britain in 1948; the rise in productivity per person is still quite high, the figure being 158. Admittedly, administrators are paid more than producers, but in England not very much more, since a considerable proportion of them are clerks, on a time salary.

Nor is it possible to agree that, as crudely stated on the dust cover, "the growth of administrative overhead is shown to have no necessary relation to the rise of productivity" or, less crudely (p. 3), "the growth of administrative overhead is not correlated with the rise of labor productivity." The main evidence for these statements comes from 21 selected American industries (statistics on p. 210, chart on p. 134). The number of industries is probably limited by the difficulty of measuring changes in physical output, but it is too small; and even so, the chart by no means shows a "shapeless scatter," but rather some central tendency for the industries that increase more in labor productivity to be those that increase more in A/P ratios. The chart is reproduced from an article Melman wrote for *Oxford Economic Papers* (January 1951), in which a further chart covering over 60 American industries showed the relation of changes in the A/P ratios and in their horsepower per wage-earner. Here there was a distinct enough trend for changes in HP/W and A/P to correlate positively. Increasing administrative overhead is not necessarily, of course, a cause of increased productivity or increased mechanization, but it may well be a result (as I suggested in my *Logic of British and American Industry*, p. 139).

In short, while I follow Melman in finding that falling machine costs compared to labor costs lead to mechanization and greater productivity per producer, I do not agree with the suggestion, which some of his passages carry, that the higher proportion of administration not only is independent of mechanization but, in England, might even cancel out its effects on this productivity. In other passages, however, the use of the word "brake" (p. 144, for example) makes Melman appear to hold—correctly in my view—that the A/P ratio will never quite cancel out productivity and that the car is not actually going into reverse. Taken altogether, this book is an important contribution to the science of industrial economics—a science that is growing, albeit by fits and starts.

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BELL, PHILIP W. *The Sterling Area in the Postwar World: Internal Mechanism and Cohesion, 1946-1952.* New York: Oxford University Press. 1956. xxvi & 478 pp. \$10.10.

To the already rich literature on the operation and problems of the sterling-area system in the postwar world—including the books of Cassels, Conan, Day, Polk, and Zupnick, as well as innumerable articles and pamphlets—the study by Philip Bell makes a notable contribution. Indeed, this lengthy and carefully reasoned book, because of its scholarship, comprehensiveness, and analytical quality, may well be the best study that has as yet appeared in this field.

Originally written as a doctoral dissertation—which may in part account for its length and its occasional arid stretches—the book examines a wide range of relevant aspects and problems of the sterling-area system in the period 1946-52 against the background of a mass of statistical and factual data and some acute theoretical reasoning. Yet the book's main and distinctive feature is its primary focus on the *internal working* of the system, that is, on the trade, payments, and financial relations of the individual members with one another, as contrasted with the relations of the area as a whole with the outside world. In particular, Bell has a lively concern with the strength of the various factors making for the cohesion of the area, and with the rationale of its continued existence from the viewpoint of its individual members.

After an introductory section summarizing some well known facts about the postwar organization, structure, and history of the sterling area, but also some that are less well known, such as the surprising amount of payments restrictions that exist *within* the area, the author launches into a long section, covering almost half of his book, that unquestionably constitutes his most important and original contribution. In it he provides a penetrating analysis of the mechanism of balance-of-payments adjustment under exchange-standard conditions and a series of case studies and empirical testings of how the adjustment process actually worked in the postwar period for some half-dozen leading overseas sterling-area countries and regions, as well as for Great Britain itself.

While Bell's theoretical model of the adjustment mechanism is based on that developed in the well known article by Paish (*Economica*, 1936), and while—like that of more recent writers, notably Meade—it sensibly integrates income effects and price effects, it has some distinctive features of its own. Indeed, his model is to my knowledge unique in the more recent literature in its degree of stress on the role

of changes in the money supply, and on the liquidity pattern of the commercial banks, in the adjustment process. As for his case studies, which are not always so conclusive in terms of his model as one might have hoped, they assemble and analyze much useful information on postwar payments problems and monetary controls of the individual countries and regions concerned. Although to my mind this whole section is at least to some degree in the nature of a long digression—a contention with which the author will undoubtedly disagree strongly—and although its results cannot be summarized in a short review, it can unquestionably stand by itself as a valuable contribution to the theoretical and empirical literature on international adjustment.

Somewhat less satisfying is the final long section of the book, in which the author turns to a careful examination of the various considerations—trade, capital, financial, and political—affecting the cohesion and rationale of continued existence of the sterling area from the viewpoint of its individual, and especially overseas, members. In contrast to a commonly accepted opinion, he argues that, quite apart from the fact of incomplete convertibility, the area has undergone fundamental structural changes as compared with the system of the thirties, including changes in member and area trading patterns, in the nature of the capital flows from the center to the outer area, and in the extent of the outer area's financial and banking ties to London—all of which in his judgment, and despite his many qualifications, have served to weaken the strength of the cohesive forces binding the area together.

From this he draws the conclusion, which may strike many as unduly pessimistic, that "continuation of the existing system as it now operates over any extended period in the future, if not impossible, is, at least, unlikely. The advantages in membership for overseas regions are probably not sufficient to hold the area together if any sort of even mildly favorable alternative is available to overseas regions" (pp. 419-20). Yet on the issue of what the alternatives are, as well as the pros and cons and possibilities of each, the author's final pages are disappointingly brief and inconclusive. One is left with the impression that, with regard to the future of the sterling area, almost anything is likely.

Although there is room for disagreement with various of Bell's interpretations and conclusions, the fact remains that his book is an outstanding performance, which will prove rewarding reading to any student in the field of international economics.

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BARAN, PAUL A. *The Political Economy of Growth.* New York: Monthly Review Press. 1957. x & 308 pp. \$5.

This is an irritating and important book. It is irritating because the author leans heavily on the outdated, though for their time often excellent, insights of Marx the economist, and completely surrenders his intellectual independence to Marx the propagandist, in a field where up-to-date observation and objective analysis are crucial. The book is important not so much in its own right—for it adds little to the old communist strictures against bourgeois capitalism and imperialism—as for its advocacy of full-scale revolution of the Russian brand as the only effective technique for achieving rapid economic growth in the world's underdeveloped regions. Thus it will appear to give a reasoned explanation for the frustration and bitterness of all those who are oppressed by the glacial slowness with which development is proceeding, and may conceivably damage the tenuous threads of international understanding that have been spun between advanced and underdeveloped countries.

While the net effect of this study is therefore negative, there is much of value in its organization and details. The author has rightly explained economic growth in underdeveloped countries as part of an international process that reaches backward into the origins of Western capitalism. This historical emphasis is most desirable in a field that is too frequently treated in terms of the immediate present only. Also, the author's Marxian beliefs have led him to see that certain development policies, such as land-redistribution programs, may not substantially further industrialization in the near future—a fact that some social scientists are reluctant to stress. His constant carpings against capitalists, both foreign and domestic, while mostly unjustifiable, might conceivably, if reiterated often enough, help to reduce the stultifying self-complacency sometimes evident among businessmen and government officials in both advanced and underdeveloped countries. Finally, the book enumerates vividly the well known obstacles, institutional and human, which continually threaten the course of the developmental process.

The negative aspects of the work should not, however, be underestimated. Professor Baran fits both evidence and analysis to the Marxian bed of Procrustes, thereby not merely mutilating the occupant but completely distorting its character. The true tragedy of underdeveloped countries lies not, as he maintains, in the fact that the capitalist countries are malevolently blocking their growth, but in the fact that advanced countries, including Russia, do not care enough,

and for a sufficiently continuous length of time, to do more than make the most desultory attempts to help them, far short of the needs of the one side and of the capacities of the other. Except as possible allies in the long struggle between capitalism and communism, underdeveloped countries just do not count for much with either Russia or the West in international political and economic affairs. Nor are simple feelings of humanity as yet sufficiently organized that any but a handful of individuals will make sustained altruistic efforts to help underdeveloped countries.

The author not only misrepresents the motives that cause capitalist countries, and, let it be repeated, Russia also, to drag their feet in aiding underdeveloped countries. He also seriously underestimates the complexity of development. Of course his prescription is revolution, particularly directed at the destruction of landowners and "unproductive" merchants and speculators, and also of the land-hungry peasants. Perhaps because he shuts his eyes to the cost of revolution in human life and liberty, he fails to see that the first overt sign of such a revolution would be nipped in the bud by all classes destined to suffer from it, including the peasants, who, in most underdeveloped countries, are actually or potentially of great political importance. Thus his remedy for inadequate development—revolution—may destroy any chance for substantial development. By equating the condition of pre-Soviet Russia with that of most underdeveloped countries today, he oversimplifies to the extent that even within his frame of reference his facts cannot sustain his theory.

To allocate blame to classes and nations caught in a network of forces that can be controlled only with the greatest difficulty may result in certain psychological satisfactions in those discontented with the record of development, just as singling out witches and scapegoats may in the past have relieved certain psychological or social tensions. But such activity contributes little to the advance of economic knowledge or to practical efforts to achieve economic growth in underdeveloped countries.

FELICIA J. DEVRUP

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BECKER, GARY S. *The Economics of Discrimination*. [Economics Research Center of the University of Chicago.] Chicago: University of Chicago Press. 1957. x & 137 pp. \$3.50.

The non-pecuniary aspects of discrimination and the segregation of ethnic groups have long been recognized and dealt with by a

variety of social scientists, with the exception of the economist. Non-pecuniary aspects of discrimination and segregation usually include, among other items, color, religion, social class, and the like, each contributing to market discrimination. The author maintains that social scientists have hitherto approached this problem directly, through the use of such tools as questionnaires, case studies, and scaling techniques. He feels that the economist can now supplement the work of other social scientists, by presenting a way of quantitatively measuring the cost of these non-pecuniary aspects. Dr. Becker, an economist, believes that the reason his colleagues in economics have neglected this area is not lack of interest but insufficient tools for such quantitative measurements. The problem itself, however, constitutes "an essential aspect of discrimination in the market place." Dr. Becker's proposed method of measuring quantitatively the economic consequences of discrimination in the market place rests on the use of equilibrium analysis and various statistical techniques.

For convenience we may divide the book into five parts. The first offers the author's basic theory and its underlying assumptions. It begins with the assumption that each individual has "a taste for discrimination" and must act "as if" he is willing to pay for this taste. This leads to the "discrimination coefficient" (DC), which is applied to all persons who contribute, directly or indirectly, to the production process. The DC, which is a general concept applicable to all forms of discrimination and segregation, both in the market place and outside it, measures the additional cost that discrimination creates for any individual. It represents the "percentage by which either money costs or money returns are changed in going from money to net magnitude: to the employer it is net wage costs, to the employee the net wage rate." Thus the greater an individual's DC, the greater the difference between money costs and net costs. Since the economist limits his attention to the market place, Dr. Becker develops also the term "market discrimination coefficient" (MDC), which may be defined as the difference between an equilibrium wage rate in a perfectly competitive market, with perfect substitutes, and wages paid after discrimination enters the market.

In its second part the book applies the MDC to international trade, and shows how it acts as a barrier between the trading countries, affecting their total incomes in the same manner as any obstacle to free trade. The third part deals with employers, employees, consumers, and government as they affect the incomes of particular factors with and without the MDC. The argument is extended in the fourth part

to cover all members of the market; special attention is given to why the South's industrial establishments are small and why Negroes prefer some occupations and industries to others. Finally, in the fifth part, additional applications of the theory are offered, with emphasis on regional differences in market discrimination, and on whether discrimination against Negroes has changed over a forty-year interval.

Dr. Becker's general thesis is well known to the economist, since it is the usual equilibrium theory under perfect competition. What is different is the use of statistical techniques and of some mathematical proofs of his statements to show quantitatively that any deviations from the competitive state entail income loss to all individuals. It is surprising to this reviewer that so little mention is made of supply-and-demand analysis, which is an integral part of the theory of competition. Moreover, when Dr. Becker turns to his empirical data he himself lays down many qualifications, yet he proceeds as though these qualifications would not affect his quantitative analysis.

He passes over the question of trade unions, because quantitative data are not available, but he goes on to say that his conclusions are valid there too since they hold for the rest of the economy — a generalization that may be valid, but it would be helpful if he gave us some evidence on this matter. Dr. Becker makes a most interesting comment in stating that the elimination of market discrimination "could eliminate much of discrimination in non-market areas." The present reviewer would take this comment with a grain of salt, especially since Dr. Becker seeks to supplement the analyses of sociologists and psychologists; the latters' findings do not substantiate his conclusion. But in so far as his theory yields findings not already known through the direct methods used by other social scientists, he has offered us something that should be interesting for further study.

HERMAN D. BLOCH

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FRAZIER, E. FRANKLIN. *The Black Bourgeoisie*. Glencoe, Illinois: Free Press and Falcon's Wing Press. 1957. 264 pp. \$4.

This book was originally written in French. Its purpose was to act as a guide for the rising Negro elite groups in Africa, whereby they could profit from the mistakes of the Negro middle class in the United States. Much of Frazier's thesis was developed in his earlier study, *The Negro in the United States*, where he applied to the Negro middle class the Veblenian concepts of "conspicuous consumption" and "conspicuous leisure," and pointed out that this class tends to

align itself with the most conservative elements in American society. In *The Black Bourgeoisie* this conservative orientation is seen as a blank betrayal of the Negro masses. Thus the work is partially a polemic against a class that has failed to fulfill its role and responsibility in relation to the Negro community.

The first part of the book is devoted to the social, economic, historical, and political roots of the Negro bourgeoisie. Frazier finds a class cleavage adumbrated in the relations between the field hand and the house servant in the antebellum period. A color cleavage is introduced into Negro life with the mulattoes, the latter very early assuming roles of leadership. In a power-structured white society, Negro political leadership becomes an adjunct of what is acceptable to the whites. "Negro economic power" becomes a myth grounded in the nineteenth-century belief in the efficacy of business, a magic amulet that will move Negroes out of caste into class. Finally, there is the influence of the New England missionaries who followed in the wake of the Union armies, inculcating in their black parishioners a puritanical system of beliefs that were already moribund in New England.

The second section is devoted to an analysis of the values and standards of behavior of the Negro bourgeoisie. Finding itself rejected by white society and rejecting its own cultural heritage, it creates a "world of make believe." "Society" becomes the arena in which the drama of its middle-class existence is enacted — a "society," however, whose unreality becomes only the more manifest as its forms and values are measured against their white counterparts. From the tensions generated by this unreal world there emerges the constellation of the Negro middle-class personality. Frazier thus shows the emergence of a personality type from its social-historical station in American life, and then proceeds to describe the dynamics of its behavior and its implications for the Negro community. His analysis of Negro "society," with its appropriation of "white forms" without their substance, evokes shades of Erasmus and Veblen. There is both tragedy and comedy in his descriptions of the weekend "poker parties," the "Cadillacs," the various status symbols through which the Negro middle class, with its intense feelings of inferiority, seeks recognition.

Frazier concentrates on the "Negro middle class" in Washington, D. C. This provides the material for his "ideal type" of the Negro community, and he then proceeds to draw conclusions for the entire Negro middle class. He fails to draw on empirical studies of Negro leadership, and fails to indicate adequately the magnitude of the divisions within the Negro middle class itself. The latter is accused

of having betrayed its trust, but Frazier does not suggest an alternative path of development open to them. And what of the white models from whom its "life styles" are drawn? The white bourgeoisie is not characterized by an overly great amount of spirituality, and it indulges in activities that equally appear, depending on your vantage point, uproariously funny and ridiculous. In *The Black Bourgeoisie* the line between polemics and social-scientific analysis is not too clearly drawn. As a description and analysis of a segment of Negro life, the "society" of Washington that Frazier knows so well, the book is probably a classic. Whether the analysis is correct beyond that point is difficult to say.

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MACARTNEY, C. A. *A History of Hungary, 1929-1945*. New York: Frederick A. Praeger. 1957. 2 vols.: vol. 1, xvi & 493 pp.; vol. 2, 519 pp. \$20.

The new work on Hungary by C. A. Macartney, the West's leading expert on that country, has many of the characteristics of the author's previous studies: objectivity in approach, an almost complete detachment from inevitable personal leanings, and ever present evidence of a sincere desire to tell the truth even if it happens to be unpleasant to hear. In this study Professor Macartney deviates from his customary routine of providing his usually easy-flowing narrative with a minimum of footnotes and documentary references. The present volumes contain, by his own standards, an abundance of references, sometimes even when phenomena of seemingly minor importance are concerned. This is a clear indication of the momentous significance the author attributes to this relatively short period of fifteen years in contemporary Hungary's history, and of its polemical nature. It was during that brief span that Hungary, lying helplessly between Germany and Russia, became completely exposed to the two most dynamic forces of our age, represented in the ideologies of these two gigantic neighbors. It was then that the Nazi comet rose and sped to its spectacular climax, blinding Europe with its deadly glitter, only to plummet down just as rapidly into nothingness and give way to the emerging specter of Soviet Communism.

Why, how, and in what circumstances the leaders of pre-1945 Hungary acted as they did is the core of the study. Professor Macartney, as he made quite clear in his past writings, has no preference for the unique, neo-Baroque social-political order that existed in Hungary

between the two world wars. He has never spared his sharp criticism of the masters of that era, who, with some notable exceptions, surely belonged to a bygone world. But he is courageous enough not to generalize or to condemn the old regime in toto, as is the case all too often with less meticulous critics. While taking great pains to show the other side of the picture too, he is most concerned with the underlying motives and pressures that make Hungarian conduct, perplexing to the outside observer as it often was, understandable if not excusable.

From his analyses it becomes clear that the majority of pre-1944 leaders of Hungary by no means committed themselves to Nazism, or at least did so only with grave reservations and under pressure, although its appeal undoubtedly attracted many of them. Nazism became rampant only among the military (whose power, however, was great), and was practiced mainly by persons of German ethnic origin. It also becomes clear that to refer to Hungary's controversial regent Horthy as just another imitator and helper of Hitler would be almost as gross an oversimplification as to place Churchill and Roosevelt in history with the chief characterization that they were friends and assistants of Stalin.

Macartney's narrative captivately unfolds the various methods of small-nation statecraft, diplomacy, and other devices, sometimes fantastically odd, twisted, and naive, with which hard-pressed Hungary was trying to keep her precarious balance. In Hungary, completely at the mercy of neighboring Germany, the question was not how to oppose the Third Reich but how to stall and sabotage its most repulsive demands under the guise of friendly cooperation. After all it was the same Germany that was locked in a life-and-death struggle with Bolshevik Russia, also an arch foe of Horthy's Hungary. Remarkably enough, these evasive tactics were practiced — though in a lesser degree — even during those times when the chances of a German victory were brightest.

Pathetic were those Hungarian dreams and efforts which, at the advent of the war and throughout its duration, sporadically but persistently aimed at an association with the Western powers, naturally behind the back of an ever more suspicious Germany. The complete forlornness of the old regime in face of the growing challenge of Russian Communism, which rose simultaneously with the advance of the Soviet troops, becomes understandable in the light of these never reciprocated overtures. In enlightening passages the study reveals how utterly insignificant was the (underground) Communist activity in Hungary, even on the very brink of the Russian invasion.

Thus the unique, complex, controversial, yet undeniably existing resistance to Nazi German pressure came most effectively from "official" Hungary, from the very leadership consistently labelled as Nazi. There can be no doubt that this top echelon, which tried with fluctuating enthusiasm to keep Hungary from Nazi encroachments, and with infinitely more determination to keep her from those of the Bolsheviks, acted in the naive belief that a perhaps moderately reformed version of their rule could be continued after the end of the war. Indeed, however questionable their claim of representing the whole nation, popular discontent against their rule, whose police protection was incomparably less efficient than that of their Red successors, never arose in anything near such manifestations as occurred in Communist-controlled Hungary in October 1956.

The bloodstained, three-month tenure of the German-sponsored Arrow Cross, noted for its insane and barbaric assault on the much suffering Hungarian Jewry, could take place only on the very eve of Hungary's invasion by the Soviets, when all existing bonds were loosed and when the final collapse of the mortally wounded "old" Hungary culminated in debris, smoke, and chaos. The spade work for this satanic period had come half a year earlier, in March 1944, with the German invasion of Hungary, at which time the last vestiges of national sovereignty ceased to exist.

The reader who is determined not to hear the slightest good of Horthy's Hungary will not find this work to his liking (though his desire to hear evil is fully met). But for a student who seeks the truth, free of prejudice, Macartney's study is an indispensable must.

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HERTZ, FREDERICK. *The Development of the German Public Mind: A Social History of German Political Sentiments, Aspirations and Ideas. The Middle Ages, The Reformation*. New York: Macmillan. 1957. 524 pp. \$6.

KRIEGER, LEONARD. *The German Idea of Freedom: History of a Political Tradition*. Boston: Beacon Press. 1957. xii & 540 pp. \$7.50.

Should books be judged according to what they purport to be or what they actually are? Frederick Hertz's intention in embarking on a history of the German "public mind" is clear from his definition of the latter: "The term public mind is used here in the sense of the political and social feelings, opinions and aspirations of the various

groups forming the German people, with special reference to those which have determined politics . . . The aim of the study is to show what the various sections of the Germans of every rank and class were thinking of the ruling men, how far they supported or opposed them, what were their wishes, hopes and fears, prejudices, ideals and standards of right and wrong" (*Preface*). This he proposes to do in the present volume for German history from the beginnings to the Peace of Westphalia, while a future volume (or volumes) will carry the study to the present.

Now, to write about any nation's "public mind," thus understood, is a tremendous undertaking, even for one point in time. Entire "teams" of analysts are mobilized in our own days to explore present "public minds" of given populations; they perform this task not only by studying available literature but by probing the minds of individuals through interviews, "polls," "depth studies," and what not. In the absence of something like mediaeval Gallup polls, how can this kind of thing be done for the more remote past? And supposing it could — through the study of "religious and legal writings, works of literature, broadsheets, the verses of minstrels, folk-songs and newspapers" (*Preface*) — can it be done by one author, in the compass of one volume, for over a thousand years of a nation's history?

Hertz's book thus necessarily involves a let-down. What it comes to is in the main a political and, in parts, social and economic history of Germany, summarized on the basis of up-to-date but secondary sources, and interspersed with chapters summarizing specific writings of the period in question, such as those by theologians, philosophers, or pamphleteers. In some places more obscure, less easily accessible data are brought to the fore, and in these is the chief merit of the book. More frequently these chapters contain rather mechanical enumerations of known authors and summarizations of their writings, and no new source material is offered. The volume is a convenient handbook of intellectual history (in this more superficial sense), placed in the framework of general German history. The history of the "German public mind," if it can be written at all, remains to be written.

But we have it now in regard to one specific trend of the German mind, the idea of freedom. Leonard Krieger starts out where Hertz leaves off: at the Peace of Westphalia. And if Hertz's book fails to fulfill the promise of its title, Krieger's work goes beyond what its more modest title indicates. Limited to its one, specific, and thus manageable topic, it actually constitutes, to quote Hertz's subtitle, "a social [and, of course, intellectual] history of German political senti-

ments, aspirations and ideas." The emergence and development of the idea of freedom out of the substratum of German politics, social structure, economic conditions, and culture are traced from the seventeenth century to 1870, with a brief epilogue on developments since.

If Hertz's book lacks originality, Krieger's startles the reader in almost every chapter with original findings — often factual ones, based on study of primary source material, and, when they do not give new facts, offering novel interpretations. So it is with regard to the origin and specific character of the German idea of freedom. That "freedom" in Germany has been different in concept as well as in application from the idea and practice of "liberalism" in Western countries is, of course, well known; but why has this been so? Krieger presents a new theory. He sees in the particularist structure of old-regime Germany, in which the notion and politics of the *Libertät* of the territorial "estates" were coupled with the concept and practice of "liberty," the matrix of that subsequent development in which freedom became associated with state authority — with the result that later German liberalism, especially in the nineteenth century, had either to identify itself with a state machinery that was in this sense inherently liberal though outwardly authoritarian, or else to ram its head impotently against the wall of authority.

Readers better qualified than this reviewer will have to assess the validity of Krieger's chief thesis. Offhand, while I am impressed by the material showing the role that *Libertät*, that is, the imperial structure of Germany, continued to play down to the demise of the old Reich — at least in the use made of it as an ideology by the princely "estates" — I am inclined to question whether it was much more than "ideology," conveniently put to use by, for instance, a Frederick the Great whenever it fitted his political purposes. I have recently come across an early writing by Leibniz which, shortly after the Peace of Westphalia, already interpreted Germany's imperial structure realistically in terms of territorial statehood; its conclusion was that the Empire's "estates," inasmuch as they had become de facto sovereign, were on a plane with sovereign states outside the Empire.

Is it possible, then, that the largely impractical status of de facto sovereign German rulers as holders of "aristocratic rights" within the Empire had the vast influence on the development of the idea and institutionalization of "freedom" which the author claims for it? In any event, supposing that it did so down to the end of the eighteenth century, with its supposed influence on Enlightenment monarchies and their enlightened (and in this sense liberal) policies, could it have

continued to have this effect in the nineteenth century? (In one instance what Krieger adduces as evidence of the influence of old-regime aristocratic liberties on modern liberal institutions — the case of the agitation of a mediatised aristocracy in post-Napoleonic Baden, p. 234 — seems to me proof of the opposite: that *loss of Libertät*, rather than its possession, led to the advocacy of liberty.) Or was it not primarily another, and well known, factor, that is, the "lag" in German economic and social developments, the ensuing "late" growth of a German middle class, and the emergence of German liberalism at a point where middle-class interests were already threatened from the left, which primarily accounts for the later fate of freedom in Germany?

Far from overlooking this factor, Krieger gives us abundant evidence on it. Thus he fully describes the tragic process of what he calls the "withdrawal" from liberalism, on the part of forces and masses both on the right and on the left, in 1848 and later, as well as during the Prussian conflict (which had its counterpart in the 1920s). In view of these other factors, is not the alleged influence of *Libertät* per-

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haps a redundancy? How "liberal," even in the German sense referring to the structure and policy of state authority, was the German state from the end of the nineteenth century onward? And lastly: is not the German's bent toward authority connected with something else which may itself go back to the "particularist" background of German history: his more or less conscious fear of certain anarchic possibilities of his nature (individually and collectively), a fear that so often drives him into "flight from freedom" (in the Western sense of the term) and into an abhorrence of turmoil, open resistance, and revolution? Krieger quotes a German "liberal" as saying that "freedom has often come out of order but never order out of freedom." This remark is almost identical with the attitude toward the French Revolution of Germany's greatest conservative, who expressed preference for "order coupled with injustice" over "justice coupled with disorder."

Despite the many questions it raises, or rather because of them, this remains a brilliant book.

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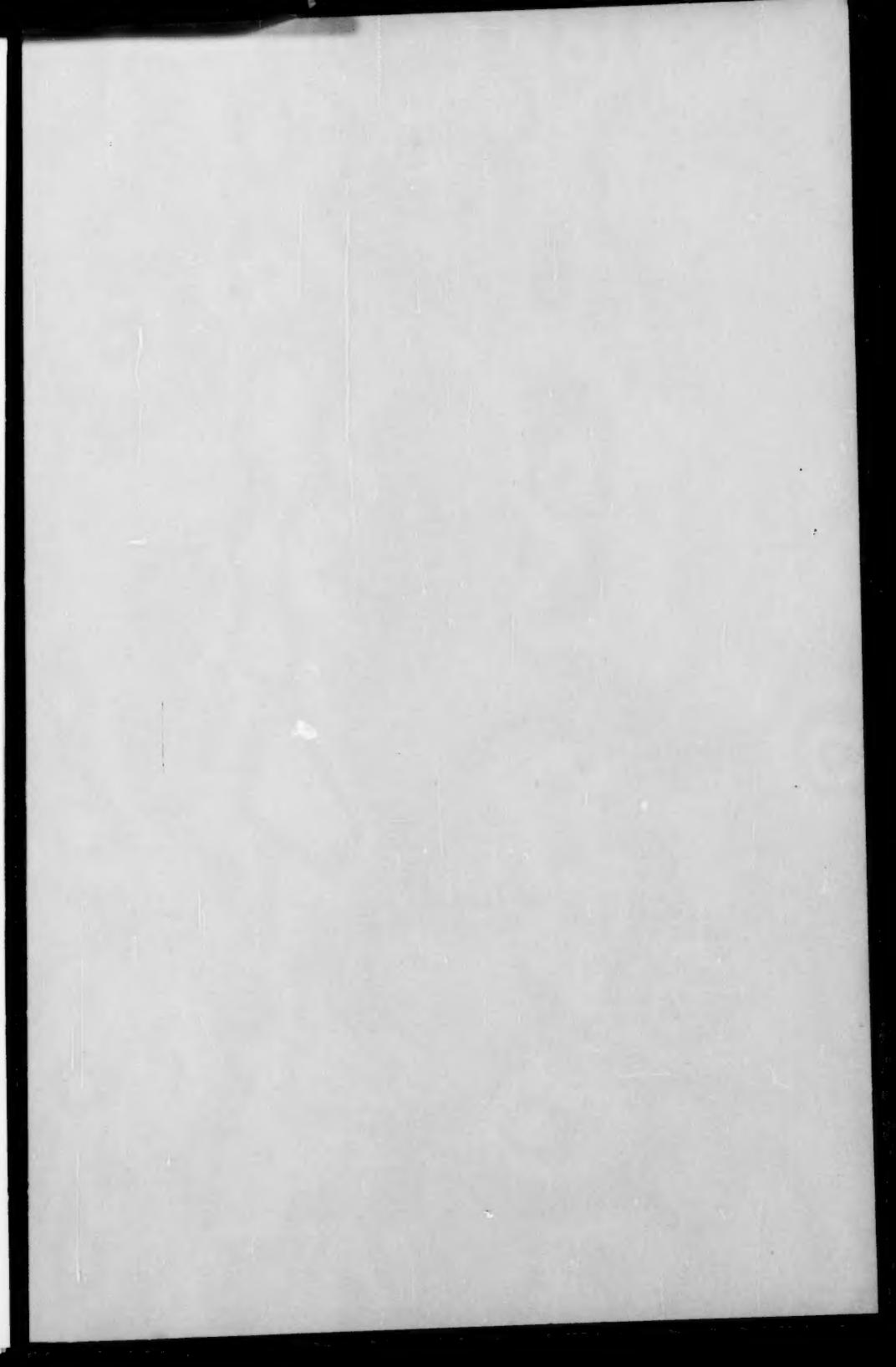
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